

**Written testimony of Community Legal Services of Philadelphia
to the Pennsylvania Joint Policy Committee Hearing on Eviction Record Sealing
February 15, 2024**

Community Legal Services (CLS) of Philadelphia provides legal representation to more than 10,000 people each year when they face the threat of losing their homes, incomes, health care, and even their families. CLS attorneys and other staff provide a full range of legal services, from individual representation to administrative advocacy to class action litigation, as well as community education, strategic use of the media, and social work. CLS is nationally recognized as a model legal services program.

CLS's Housing Unit represents low-income tenants facing a wide variety of housing issues, including eviction, repairs, termination of subsidy, criminal record-related barriers to housing, rent calculations, and disability accommodations. The Housing Unit leads systemic advocacy at the local, state, and federal level to keep families in their homes and has played a central role in designing and implementing Philadelphia's Right to Counsel in eviction cases and Philadelphia's innovative Eviction Diversion Program.

One of the biggest obstacles our clients face in accessing safe and stable housing is the enduring stigma of eviction records. A permanent eviction record is created any time a landlord files a case against a tenant. The case remains publicly viewable online by anyone, regardless of what happens in court or afterward, including if the case is withdrawn or the defendant wins. Over 1,000 private tenant screening companies, which have proliferated across the United States since 2015, scrape publicly viewable internet records and present their findings to landlords, with little recourse for a tenant if those reports contain errors or include cases that never resulted in a judgment against the tenant. A November 2022 report from the Consumer Financial Protection Bureau found high rates of error and poor quality control in the data broker and background screening industries that produce tenant screening reports for landlords.¹

An eviction record only shows a landlord's complaint, not the tenant's explanation or what happened when they went to court. As attorneys representing tenants in these eviction cases in Philadelphia, here is what we see that most people don't: despite meaningful increases in the number of tenants in Philadelphia who have access to legal representation, the vast majority of tenants are still unrepresented, so they are navigating the court process on their own. The vast majority of landlords *are* represented by counsel. In Philadelphia, 87% of landlords have access to an attorney. Tenants are given a few minutes in court to try to negotiate with their landlords' attorneys. If the negotiation takes too long, either the attorney or court staff will tell the tenant that they'll just have to see the judge. The trial in front of a judge happens the same day and often lasts just a few minutes. Most tenants are only in court for about two hours, and most of that time is spent waiting – waiting to speak to their landlord's attorney, waiting to be called in front of the judge.

But tenants are routinely denied for rental housing if there is any eviction filing in their name, no matter how long ago it was and what has changed since, and even if they weren't actually evicted

¹ "Tenant Background Checks Market Report," Consumer Financial Protection Bureau, November 2022, available at <https://www.consumerfinance.gov/data-research/research-reports/tenant-background-checks-market-report/>.

or at fault. CLS has represented many tenants who are falsely accused of missing months of rent and come to court with all of their receipts. The property manager or their attorney admits the accounting error and withdraws the case. We have represented countless tenants who did fall behind on rent because of a job loss or health crisis, managed to get back on their feet, and tried to make it up to their landlords with a payment plan or rental assistance, only to see their landlord file an eviction case anyway so that the payment plan can be formalized in a court order. We routinely represent tenants who asserted their right to basic repairs to heat, leaks, or mold – as Pennsylvania law provides – only to be served with an illegal retaliatory eviction filing. *All of these tenants*, regardless of whether their landlord was even right to file the case or what happened in court, now have eviction records when they search for new housing.

In his 2016 book *Evicted*, Matthew Desmond describes not just the ramifications of the displacement that can be caused by an eviction, but also the downward spiral that tenants face with each eviction filing. It is extraordinarily difficult to find a landlord willing to rent to tenants with eviction filings and when they do find a place, many tenants are forced to pay higher rents. Additionally, tenants with eviction records are often restricted to unsafe housing in need of deep repairs or neighborhoods with a poorer quality of life.

Hundreds of thousands of families across Pennsylvania are burdened by an eviction record. Since the start of the pandemic in 2020, landlords have filed more than 280,000 eviction cases in the Commonwealth. This is not just a crisis in our cities: in a report CLS and PolicyLink released this past fall, we found that the highest eviction rates in Pennsylvania are actually in suburbs and rural areas.² York, Dauphin, Lehigh, and Delaware counties have the highest eviction rates in the state. Beaver, Erie, Blair, Bucks, and Berks all have higher eviction rates than either Philadelphia or Pittsburgh.³

And the burden of eviction records is not distributed evenly among our communities: landlords disproportionately file against households of color, people with disabilities, and women, and these communities therefore disproportionately feel the burden of eviction records. Black women raising small children experience more eviction filings than any other demographic group. Since there is no limit on how long eviction records are publicly viewable, the number of people harmed by the stigma of eviction records increases every year.

We at CLS see the need to set reasonable limits on public access to eviction records as essential to addressing longstanding inequitable access to safe and stable housing. The American Bar Association agreed in 2021, calling on courts to act to shield tenants' names from public scrutiny when no judgment has been entered or when other good reason exists.⁴ We call on the General Assembly to remedy a system that punishes tenants in perpetuity. Pennsylvania must limit access to eviction records.

² *Advancing Pennsylvania's Housing Futures: Sealing Eviction Records for Housing Stability and Economic Prosperity*, PolicyLink and Community Legal Services of Philadelphia, October 2023, available at <https://clsphila.org/housing/new-report-sealing-eviction-records-for-housing-stability-and-economic-prosperity/>.

³ *Id.*

⁴ See <https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2022/612-midyear-2022.pdf> at #10.