



**Testimony on Sealing of Evictions**  
**2/15/2024**

My name is Kyle Webster and I am the Vice President of Housing and General Counsel of ACTION-Housing, the largest affordable housing non-profit in Pennsylvania. While we do some work statewide, our footprint is primarily in Southwestern Pennsylvania, with about 85% of our work in Allegheny County. ACTION is a developer, program administrator, asset manager, and property manager. It is in this last category that we are both an evictor and we make determinations on whether or not someone is eligible for housing. I want to be clear that I have evicted dozens of households in my career and I am in no way opposed to eviction and recognize it as a necessary part of our current housing system. I know that eviction can be weaponized by landlords, but I also know and understand that in our current system, many tenants, including tenants who are good, hardworking people, find themselves in situations where eviction is the only recourse a landlord has to pursue against them for whatever reason.

All of that being said, I also recognize that we, as housing providers, are often looking for ways to predict how a tenant will be as a tenant prior to their move in.

Among the most important things for me as a landlord is ensuring that the buildings we operate are safe and that the tenants in them pay their rent regularly to ensure that we can continue to maintain and operate them without issue. This means that prior to someone moving in, we want to look at things like their current income and assets to ensure that they have the funds necessary to pay the rent each month. There is also a cottage industry of property management professionals who specialize in conducting background checks that provide a wide look at potential tenants' pasts and as a landlord we eat up whatever quick and easy information we can get to make these determinations.

This leads to a landlord reviewing hundreds if not thousands of criminal history reports, credit scores, and eviction records each year, if not month. Landlords strive to make this process fair, but more so we want to ensure this process is efficient and fills vacancies as quickly as possible with qualified people who are able to pay their rent and will thrive in these units. This means that metrics are often leaned on that don't mean what we, as landlords, think they mean. Bias plays a major role here as assumptions are made that if there is an eviction on someone's record, it means they have the potential to be a bad tenant. Consideration is not given, nor is it required to be given, on whether or not the eviction was settled or the judge ruled in favor of the tenant. Often the



remoteness of the eviction is ignored in the interest of time --- a person with three evictions will likely be denied housing immediately, even if those three evictions were all over twenty years ago.

In the affordable housing space, prospective tenants have the legal right to appeal any denial of housing. Often, those opposed to legislation like you put forth point to this as rational for why sealing eviction records isn't necessary. This is flawed for two reasons. First, the number of subsidized units in Allegheny County that are required to provide such an appeal is less than twenty-five percent of the rental stock. This means there are hundreds of thousands of units that don't have any obligation to allow for such an appeal. Second, being rejected by an affordable housing provider can be demeaning and can be a continued pattern of government assistance failing a person. The number of individuals who actually pursue an appeal at ACTION is less than half of those who are denied. Most people who are denied just walk away and do not provide additional context as to their situation. A denial, for most, is just that even if they technically have the right to appeal.

There are bad tenants, just like there are bad landlords. But, I genuinely believe most people are good, whether they be landlord or tenant. However, it is notable that most of my most challenging tenants have never been evicted before. If someone was evicted from the last four places they lived over the last three years all for failure to pay or for burning the place down – I want and need to know that. But these extremes are not what we're talking about here and I am pleading with the legislature to make my job as a landlord easier. Eviction records simply don't show me what the property management industry is telling me I'm being shown. What I'm actually seeing in an eviction record is often that someone came upon a one-off hard time, or had a uniquely challenging landlord, or just made a mistake. The best thing you can do for me as a property manager is to not allow me to see these so I can't make false assumptions about who these tenants might be.

Thank you for the opportunity to speak on this matter.