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

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## Contents

1.0 Executive Summary  
2.0 Introduction: Housing Stability Benefits All Pennsylvanians  
   - How One Missed Bill Can Lead to Years of Housing Insecurity  
   - Evictions: A River of Cascading Impacts  
3.0 Evictions Are a Growing Fair Housing Issue in Pennsylvania  
   - Eviction Rates Are Rising Again  
   - Tenant Screening Methods Are Often Inaccurate and Unfair  
4.0 Existing Federal Guidance and Actions, and National Thought Leadership  
   - The Fair Credit Reporting Act (FCRA)  
   - Consumer Financial Protection Bureau Guidance and Interpretations  
   - The White House Blueprint for a Renters Bill of Rights  
   - The American Bar Association: Guidelines for Eviction Laws  
5.0 Eviction Record Sealing Policies Across the United States  
   - California  
   - Colorado  
   - Nevada  
   - Arizona  
   - Progress Toward Eviction Record Reform in Pennsylvania  
6.0 Recommendations for Ensuring Fairness and Housing Stability Across the Commonwealth  
   - 1. Advance An Ecosystem of Responses to a Multifaceted Problem  
   - 2. Improve Enforcement of Existing Protections  
   - 3. Create a New Framework to Seal, Expunge, or Otherwise Shield Tenants’ Names from Unproven, Disproven, or Outdated Eviction Records  
   - Conclusion: Unlocking Housing Stability: A Path Forward for Pennsylvania  
7.0 Notes  
8.0 Author Biographies
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 state. Whether or not someone is actually evicted, records stemming from eviction filings 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 across 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, 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 costs 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.

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 the tenant screening companies (CRAs)—including eviction records—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 and local jurisdictions have the power to create additional laws to regulate the sources of information commonly named eviction records.

- **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. 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.
- 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.

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. 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. 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.

A 2022 study found that evictions negatively affect the overall health of children and increase their risk for developmental challenges, especially for children under four years old. Individuals who have experienced an eviction are also at increased risk for all-cause mortality, as well as suicide. Research showed evictions were associated with an increased likelihood of contracting Covid-19 and excess deaths from Covid-19.

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 process for years, depriving them of access to suitable housing, pursuing new economic or educational opportunities, or staying close to loved ones.

Eventually, Jennifer ended up living in her car with her then-eight-month-old twins. Jennifer’s eviction record and her family’s VXEVHTXHQPWRXWRKPRHOPVQVHVXKDGVXEVPW her kids. One day, while Jennifer was going around to various RUJDOHLWRQVRVHNNXSRUWRJRHWXWRKHUDLGLDGHGWRQDQGDFHWROLYH6KHEUHDHERs, she was reported to child protective services for being unhoused. As a result of this discovery, Jennifer had her kids taken away. +HUNQVHQGHGXSOLIRVRWHUFHDKLOHVKHWWLHGWRLQDQGDFHWROLYH6KHEUHDHERs, 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 WKHVDPHRQRQHAHUHUHGHKHWWKSSRXWLQLVWcircumstances 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] ZDVQRQJQRDQGLWKDSSHQGLQDGLAHUHQWSODFHVYRPH [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. Rather, what’s commonly understood as an “eviction record” is often just the residual imprint accompanying a brief moment of hardship. They disrupt 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.

Landlords typically employ screening practices that automatically reject all applicants with an 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. Pennsylvania 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).
they become burdened by housing costs, commonly spending more than 30 percent of their monthly income on housing. 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. The cycle of housing cost burdens and ancillary costs to maintaining employment (such as commute time, utilities, and 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 heighten 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. 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 become trapped in a cycle of poverty. Studies have shown background screening measures have only become more prevalent. The health impacts of substandard housing are particularly urgent for people seeking housing opportunities with an eviction record. 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 the nervous system, which can lead to declines in school performance among older kids. Ultimately, an eviction record 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.

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 screening measures have only become more prevalent. The 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 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). 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. 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.

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. 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 filings rapidly increased once the protection expired.

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. 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. An average of 61 percent of those pre-pandemic filings were disproportionately filed against women.

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

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.
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. 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. 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 crisis.

The US Census Bureau’s American Community Survey 5-Year (VWLDPWGDWDKDUVHFRUGRYHUBYHPOOLRQKRXWYDQVRYDQLRPHQDRGIRWKRVBYHPLOOLRQSPR) estimate data has recorded over five million households that call Pennsylvania home and of those five million, 31 percent of households are renter occupied. 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. 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 housed. This is more prevalent for the 55 and 56 percent of Black and Latinx households, respectively, disproportionately experiencing housing cost burdens. 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.

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. 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. Rental debt of this magnitude, and across the state, hints at a potential future with mounting rental debt, Pennsylvania could potentially witness a historic, mass eviction crisis and the drastic, long-term aftershocks of eviction.

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

Eviction Records Fail to Tell a Tenant’s Entire Story

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 landlord decide on whether or not to lease to an applicant.36 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, both tenant screening company reports and searches in a court record repository are full of inaccuracies, and do not provide details about the circumstances surrounding an eviction 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 even if the case was brought against them for an event out of their control, such as being wrongfully named in a complaint. 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.

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 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 even if the case was brought against them for an event out of their control, such as being wrongfully named in a complaint. 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.

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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, 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.

During this time, when they were trying to look for a new place, landlords would repeatedly let them know that they would need a cosigner who could prove they were paying their rent. It was even more confounding 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 record. Landlords do not have to use a tenant screening company to access an applicant's information. 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.

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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. 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.

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 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.

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 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

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Existing Federal Guidance and Actions, and National Thought Leadership
The Fair Credit Reporting Act (FCRA)

The Fair Credit Reporting Act (FCRA) is a federal legislation that aims to protect tenants and consumers alike from having their background information, like credit history and rental history, misused. 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. 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.

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 the FCRA, tenant screening companies are seldom responsive to a tenant's requests to correct a record. 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.

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. 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 flame-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.
Advancing Pennsylvania’s Housing Futures

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.”

Further, the Blueprint also stressed that filings, default judgments, and executed judgments should be sealed for minors, tenants who won their eviction case, and for tenants who “reinstate their tenancy after the entry of judgment.”

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.

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.”

Importantly, the ABA guidelines note that the widespread practice of landlords automatically denying applicants 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.
5.0  
Eviction Record Sealing Policies Across the United States
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. Even if a tenant were able to win their case, court constraints permitted the eviction to continue existing on their record. 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.

Well over 10 states and localities have taken it upon themselves through eviction record sealing policies or tenant screening regulations. 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.

Figure 5.
Status of State and Local Eviction Record Sealing, Expungement, and Tenant Screening Policies, as of July 2023

In 2016, California passed state bill AB 2819, which automatically seals an eviction record by restricting public access to 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. 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 seal the defendant’s record in a settlement. Access to eviction records in California, as a result of AB 2819, is only provided to the individuals named in an eviction 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. Since the passage of AB 2819, evaluating the impact of the 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. 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, 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.

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. 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. Advocates in Colorado note that this law has worked well to suppress information or improve negotiations with a landlord when settling a case. 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.
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. 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.”

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). 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.” 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. 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. 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.
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. 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, 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 filings are not blocked from adequate housing based on outdated or misleading records. For example, even though the RAA 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 landlords to base denials only on records from cases with fair or accurate information.

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. 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 landlords to base denials only on records from cases with fair or accurate information.

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.
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. 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

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.

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. 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.

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 processes address mounting housing instability. By acknowledging the guidance provided by the federal CFPB in 2022 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 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.

Implement Robust Enforcement Practices and Penalties

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 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 and establishing specialized units to respond promptly to complaints.

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. Establishing enforceable standards 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\(^7\) 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 policymakers 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.


38 Warren, Success in Housing: How Much Does Criminal Background Matter.


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.


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.


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. K W W S V D C D R U J Z S content/uploads/2019/03/UD-Emergency-Ex-Parte-for-Motion-to-Set-Aside-Default-Judgment-How-To-GuideEnglish.pdf.

Advancing Pennsylvania’s Housing Futures

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.


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.


70 Arizona Revised Statutes, Title 33 - Property §10-4-33-1379.

71 -XOLDDBDQG6DELKD=DLQXOEKDL$ULJRQDV1HZ5HFRUG6HDOLQJ


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/scld-task-force-on-eviction-housing-stability-and-equity/guidelines-eviction/guideline-10/ (“A court that hears eviction cases should DXWRPDWLFDOQWHDQKHODPHVRIGHIQDQWVEHIRUDBQDO 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 3HQQVIOYDQL2DFHRISWWRUQHYGCHQHGuide to Tenant and Landlord Rights.


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