



May 10, 2022

The Honorable Cynthia Coyne
Chair, Senate Judiciary Committee
Rhode Island State House
Providence, RI 02903

Re: SUPPORT for S2375 – Providing for the sealing and unsealing of court files in residential eviction proceedings

Dear Chairwoman Coyne and Members of the Senate Judiciary Committee:

On behalf of the Housing Network of Rhode Island, our 17 member agencies and the low-income Rhode Islanders we seek to serve, I write in support of S2375, legislation that provides for the sealing and unsealing of court files in residential eviction proceedings, and the sealing of files in nonpayment cases settled through a rent relief program.

At present, eviction complaints remain on a tenant's court record even in cases where a complaint is dismissed or otherwise determined in their favor. Once an eviction is filed, it remains accessible to the public through the internet indefinitely. Even if an eviction is dismissed or the tenant wins in court, tenants suffer harm to their reputation and credit when applying for future rental housing as long as the filing remains publicly accessible. Individuals and families with an eviction complaint – even one that was dismissed - are blacklisted, and systematically denied the opportunity to rent a safe and healthy new home. Passing S2375 will provide protection to these individuals and families by sealing the court file before it is made public, giving tenants a fairer chance at renting future properties based on their qualifications as a renter.

Many landlords screen for prior eviction history, however, this screening does not inform the landlord whether a judgment was filed against the tenants, or any details of the case. As a result, landlords are not getting accurate information about prospective tenants. The bill will not prevent landlords from being able to screen tenants; there are more appropriate screening tools available to landlords to verify a tenant's rental history, such as credit reporting agencies (CRAs), than the court public portal. CRAs and other tenant screening companies are widely utilized and have built-in protections that allow tenants to correct misinformation. An eviction action becomes unsealed if the landlord prevails in obtaining a judgment or demonstrates the tenant violated the terms of their stipulation agreement. This process achieves the court's aim of transparency and openness, while alleviating a considerable and patently unfair obstacle that tenants with an eviction filing face in securing safe and stable housing.

Furthermore, often landlords will begin an eviction proceeding as retaliation for a tenant's complaint of health and safety violations. Tenants should not suffer permanent harm to their reputation simply for properly advocating for their own, and their family's health and safety.

For most of 2020, there was not sufficient federal or state rent and mortgage assistance. As Rhode Islanders recover from the peak of the coronavirus pandemic, many tenants who have been impacted by COVID-19 are only recently able to seek and receive help with rent and utilities. Many landlords have understandably grown impatient with growing arrears or felt they had no choice but to file a nonpayment eviction. However, there is now massive statewide rental assistance available. To date, over \$157 million has already been paid directly to over 23,000 landlords. Tenants who are able to cure their rental arrears through a rent relief program should not be penalized with a permanent mark on their record, which will exacerbate hardship and create additional barriers to find housing in the future.

Rhode Islanders already encounter significant challenges to accessing safe, healthy, and affordable homes. More than a third of Rhode Island households, or 140,535, are housing cost burdened, spending more than 30 percent of their income on housing costs; of these households, nearly 60,000 or 43 percent are severely cost burdened, spending more than 50 percent of their income on housing costs. The lists of municipalities where it is affordable to rent are at historic lows; in 2020, there was no city or town in RI where a household earning the median renter income of \$36,078 could affordably rent. RI continues to have a tight rental market with low vacancy rates, compounding the difficulty of finding a unit.

Renters are also disproportionately Black, Indigenous or people of color due to historic discriminatory housing practices and are more impacted by evictions than renters who are white. On average, Black renters have evictions filed against them by landlords at nearly twice the rate of white renters (ACLU, 2020). In order to redress the impact of historic racism and the devastating effect of COVID-19, people of color need added protections to ensure housing stability.

The pandemic's effect on Rhode Islander's housing security is also reflected in the growing numbers of those experiencing homelessness. According to a 2013 Harvard study, a 1% increase in the percentage of children generally increases that neighborhood's eviction rate by 6.5 percent. Households with children are 17% more likely to receive an eviction judgment than households without children, putting families with children at higher risk for homelessness. Passing S2375 will provide much needed protections that help prevent more families from being pushed unnecessarily into homelessness.

Removing this needless barrier to accessing a decent, safe, home for Rhode Islanders is a meaningful step to move housing and racial equity forward in our state. We thank Senator Mack for introducing this legislation, and Sens. Anderson, Mendes, Calkin, Valverde, Kallman, Acosta, Seveney, Murray, Quezada for co-sponsoring. We strongly support S2375, and urge the Committee to recommend this legislation for passage expeditiously.

I'm happy to answer any questions the Committee might have, please feel free to contact me at (401) 721-5680 ext. 38 or mlodge@housingnetworkri.org.

Respectfully submitted,



Melina Lodge
Executive Director