

PREJUDGED

THE STIGMA OF
EVICTIION RECORDS

March 2018

Housing Action Illinois

Lawyers' Committee for
Better Housing

ACKNOWLEDGEMENTS

This report would not have been possible without the work and support of many people, especially those who shared their personal experiences with eviction filings. Our particular thanks also go to Maya Dukmasova, whose reporting helps shed light on eviction in Chicago; Nora Mahlberg, whose research as a fellow with BPI laid the groundwork for this report; Randall Lerquin, Jonathon Raffensperger, and Mark Swartz of Lawyers' Committee for Better Housing; and Marissa Diekhoff, Kristin Ginger, and Bob Palmer of Housing Action Illinois.

Housing Action Illinois is a statewide coalition formed more than 30 years ago to protect and expand the availability of stable, affordable housing throughout Illinois. We unite a network of more than 160 member organizations, including housing counseling agencies, homeless service providers, affordable housing developers, public housing authorities, and government agencies. We support these members through capacity building, public education and organizing, and policy advocacy at the federal, state, and local levels. Our policy victories include establishing the Illinois Affordable Housing Trust Fund, the Homeless Prevention Program, and the Rental Housing Support Program. Everything we do is driven by our vision of an Illinois where everyone has a good, affordable place to call home.

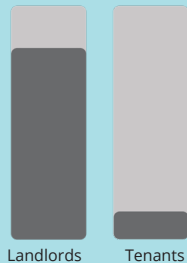


Lawyers' Committee for Better Housing (LCBH) is the only legal aid agency in the Chicago area that advocates solely for renters. LCBH represents low- and moderate-income renters living in the private, unassisted housing market facing housing instability. LCBH empowers truly disadvantaged renters, prevents wrongful eviction, and combats sub-standard living conditions so renters have a safe and decent place to live. LCBH provides free, comprehensive legal representation so that renters have a trusted advocate in court. LCBH programs holistically address both the short-term housing crisis and its underlying causes by combining legal services with education, outreach, supportive services and policy initiatives, so families can move from a path to homelessness to one of safe and stable housing.



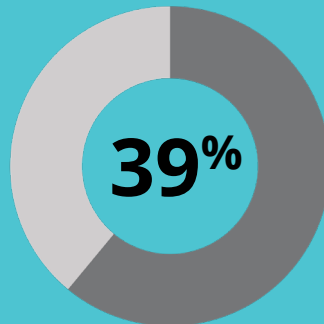
EXECUTIVE SUMMARY

FEW TENANTS ARE REPRESENTED BY ATTORNEYS



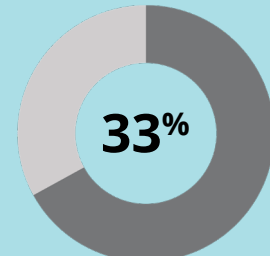
While 81% of landlords had attorneys, only 12% of tenants did. This puts tenants at a serious disadvantage in their ability to successfully defend themselves in court.

MORE THAN 1/3 OF CASES DO NOT RESULT IN A JUDGMENT AGAINST TENANT



Between 2014 and 2017, 39% of completed cases did not end in a judgment against the tenant. We estimate that 15,091 people ended up or will end up with an eviction filing on the public record each year, despite not having a judgment against them.

1/3 OF FINAL JUDGMENTS HAPPEN AT THE FIRST COURT DATE



In 33% of completed cases (and in over half of all judgments), the final judgment was entered on the first court date. This often happens after only minutes in front of a judge.

Tens of thousands of families and individuals face eviction in Illinois each year. The vast majority live in Cook County, which has more rental units than the other 101 Illinois counties combined. This report presents data from 105,272 completed residential eviction cases in Cook County from 2014 to 2017 along with local perspectives from tenants, legal aid attorneys, and a landlord on the issue of eviction.

Our analysis revealed that tenants face several barriers when fighting eviction cases in Cook County. While 81% of landlords appeared with legal counsel, an overwhelming majority (88%) of tenants were self-represented. Tenants were often unfamiliar with what defenses and resources are available to them, or that not attending court could result in a default judgment against them. Although 33% of completed eviction cases resulted in a final judgment on the first court date, many tenants did not realize that their very first appearance in eviction court could decide the fate of their housing and leave them with a lasting eviction record.

Out of these 105,272 cases, the majority (61%) ended with a ruling in favor of the landlord. **In the remaining 39% of completed cases, the eviction filing did not result in an eviction order and/or other judgment against the tenant.** Available court data provided little or no information about what happened in these cases; the landlord may have decided not to pursue the case because the tenant moved or both parties may have

resolved the issue. We estimate 15,091 people each year ended up or will end up with a public eviction record despite having no eviction order or other judgment against them, an experience that can have lasting consequences for a tenant.

According to the experiences of legal aid attorneys, a landlord, and tenants from Cook County, many landlords will refuse to rent to someone if they see an eviction filing on their record, regardless of a case's context or outcome. Incomplete or unclear court records—whether accessed directly online or through a tenant screening company—only make this problem worse. Especially in a digital age where personal information is easily accessed and aggregated as soon as a court case is filed, eviction court filings should not automatically damage an individual's rental prospects.

Since the impact of an eviction record is so detrimental to someone's ability to secure housing, we propose that eviction cases should only become available to the public after the case results in an eviction order or other judicial finding against the tenant. We recommend that Illinois enact a law that seals eviction case records at the point of filing. Such a law would protect tenants whose cases could eventually be sealed from ever having the case appear in the public record and potentially create barriers to accessing housing. Additional policy recommendations focus on ensuring the court process works equally well for both landlords and tenants.

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INTRODUCTION

Tens of thousands of families and individuals face eviction in Illinois each year. The vast majority live in Cook County, which has more rental units than the other 101 Illinois counties combined. Between 2014 and 2017, we estimate there was a total of 131,039 residential eviction cases filed in Cook County, an average of 32,760 each year.

When a landlord filed for eviction in Cook County, data showed the tenant would probably wind up getting evicted. Yet, a further analysis of county eviction filings also demonstrated that in 39% of completed cases, a filing did not result in an eviction order and/or other judgment against the tenant. Available court data provided little or no information about what happened in these cases; the landlord may have decided not to pursue the case because the tenant moved or both parties may have resolved the issue. We estimate 15,091 people each year ended up or will end up with a public eviction record despite having no eviction order or other judgment against them, an experience that can have lasting consequences for a tenant.

Although eviction is by no means a new problem, the publication in 2016 of Matthew Desmond's heartbreaking, Pulitzer Prize-winning book, *Evicted: Poverty and Profit in the American City*, has sparked widespread interest in this issue. Desmond's profiles of eight families struggling to keep their homes in Milwaukee, which he contextualizes with a wealth of new data, illustrate two important conclusions:

- People are primarily evicted because of poverty. Not paying rent is the result of not having adequate income.
- Evictions are not just the result of poverty; they are a cause of poverty. Experiencing an eviction can lead to a cycle of financial insecurity, job loss, family instability, and homelessness.

In this report, we bring a local lens to the issue of eviction by focusing on Cook County. We present data from eviction filings in the county from 2014 to 2017 and local perspectives from tenants, legal aid lawyers, and a landlord on this issue. We are particularly interested in exploring the consequences of eviction filings in public records.

In the course of gathering information for this report, it has become more clear that whether a tenant just has an eviction case filed against them or the court actually orders them to be evicted, the effect is often the same. The ability to secure housing in the future is much more difficult because landlords often presume culpability from the existence of an eviction filing on the public record, regardless of the actual outcome of the court case.

This public record can be incredibly hard to get rid of, especially with so much data available on the Internet, which may or may not be accurate. It does not matter if the eviction filing was unwarranted, happened a very long time ago, or was resolved without any finding that the tenant owed rent—many landlords will refuse to rent to someone if they just see an eviction filing on their record. While anecdotally we know most tenants

will move regardless of the outcome, case dismissals are important to examine. Dismissals show that landlords, acting in their own best interests, were not able to (or actively chose not to) prove up their cases. In a court of law, liability normally requires proving up the case.

Because the impact of an eviction filing on someone's record is so detrimental, a higher bar should exist for placing an eviction case into the public record. The names of those implicated in eviction cases should only become available to the public after the case results in an eviction order or judgment against them. Sealing eviction court records until there is a judicial finding against the tenant should alleviate negative consequences with minimal infringement on society's need for transparency.

We understand that landlords and property managers explore the backgrounds of prospective tenants to protect their financial investment and create a good environment for everyone who lives in the building. We suggest landlords select tenants based on individual assessments of whether someone can successfully meet the responsibilities of being a good tenant, given their current circumstances.

Some of our additional policy recommendations focus on ensuring the court process works equally well for both landlords and tenants. Ultimately, we believe that additional public policies, such as expanding access to emergency rental assistance, are needed to address the underlying problems of poverty and a shortage of affordable housing.

THE EVICTION PROCESS IN ILLINOIS



NOTICE

EVICTION NOTICES DEFINE THE REASON THE LANDLORD WANTS THE TENANT TO MOVE OUT.

Legal evictions start with a notice. If tenants do not do what the notice demands, the landlord can file an eviction. Common reasons include non-payment of rent, a lease violation, or the end of a lease.



FILING

THE LANDLORD FILES AN EVICTION CASE IN COURT AGAINST THE TENANT AFTER THE NOTICE EXPIRES IF THE TENANT STILL OCCUPIES THE PROPERTY.



COURT

EVICTION CASES ARE DECIDED BY THE COURT OR BY AGREEMENT BETWEEN THE LANDLORD AND TENANT.



FORCED EVICTION

ONLY THE SHERIFF CAN FORCIBLY REMOVE A TENANT.

The Sheriff can only do so after an eviction order has been entered by the court.

OTHER EVICTIONS

An untold number of informal evictions do not actually end up with tenants and landlords appearing in court. People may be forced from their home through an informal eviction process—such as a landlord telling a family to leave, changing the locks, or threatening to call immigration or family services—which often is a less expensive and more efficient means of getting someone to vacate than filing for a formal eviction. Other tenants are forced to move from buildings condemned for code violations leading to unfit living conditions through vacate orders in building court. We are only analyzing evictions processed through Cook County eviction courts.



GOING TO EVICTION COURT

From Monday through Friday, hundreds of tenants, landlords, and attorneys make their way to the Daley Center in downtown Chicago. They go through security and make their way to the five courtrooms dedicated to eviction cases. Inside the wood-paneled courtrooms, tenants filter into rows of benches under the light of florescent bulbs. Some hold toddlers or babies on their laps. Lawyers recognize each other and wave.

At the front of the room, a clerk checks in litigants. After a judge enters and takes the bench, the clerk calls the day's cases. Many defendants do not show up for a variety of reasons: they may not be able to miss work, find childcare, or figure out transportation. Some do not understand that their lack of attendance may result in a default judgment. This happens often at the Daley Center and similar scenes play out in court rooms across the county. Of those who do make it to their first court date, many show up unaware that the fate of their housing may be decided immediately—in 33% of completed cases between 2014-2017, there was a final judgment on the tenant's first court date, meaning they only had one opportunity to present a defense and try to keep their home. Tenants are often unfamiliar with what defenses are available to them, and many do not present any defense at all.

Although legal assistance greatly improves a tenant's likelihood of remaining housed and/or getting their record sealed, 88% of defendants in Cook County eviction court were self-represented. For many—especially those who are already struggling with rent payments—attorneys' fees are prohibitive. Legal aid organizations provide an invaluable service through free counsel, but they are underfunded and overextended. With or without legal aid, renters may be thwarted by confusing procedures, legalese, and the quick pace of the court room. This last issue is key: eviction trials happen extremely quickly, often in less than two minutes. In this, Chicago is not alone; eviction courts nationwide are characterized by overcrowded conditions, massive court dockets, and inadequate allocation of court resources.¹

Frequently, judges encourage landlords and tenants to work out settlements, but they do not always ensure that everyone fully understands the terms of the agreement. Ideally, these agreed orders are fair and understood by both parties, but this is not always the case (particularly for self-represented tenants). Many orders are negotiated and placed before a judge within minutes of a tenant meeting the landlord's attorney. These last-minute deals can put tenants in tough situations where they unknowingly sign away their rights to continue living in their home, withhold rent, have their security deposit returned, or request sealing of their record.

If both parties agree to a settlement, the case is dismissed after the landlord and tenant do what they agreed to do.

Typically, the tenant agrees to move. However, it can be difficult for tenants to be in compliance with any agreement to move with an eviction filing in the public record. Tenants can be further penalized by the court system if they are unable to find housing and thereby comply with the terms of the settlement. It is important to note that a settlement is not an admission of fault, and oftentimes renters have their own claims resolved in settlement.

If the case ends with a judge entering an eviction order, the tenant is informed of the date by which they must vacate their home. Many move out on time, but in other cases, an eviction order is placed with the sheriff to enforce the eviction. Every day, the sheriff's eviction team carries out from 40 to 80 eviction orders in Cook County.²

When the case does not result in an eviction order, such as when a tenant proves they did not owe rent or a landlord decides not to pursue a case, a tenant may think they can put this experience behind them. Unfortunately, this is often not true, as having a record of an eviction filing can be a serious obstacle when they look for housing in the future.

TERMS AND DEFINITIONS

agreed order (settlement)

If the renter and landlord can agree on a solution to settle the eviction case, they may ask the judge to make their agreement an order of the court. If the judge accepts the agreement, it is written in a court order called an "agreed order."

default judgment

Usually, it is a judgment in favor of the landlord when the tenant has failed to appear in court.

dismissal

Termination of the eviction lawsuit. There are many reasons for dismissals such as voluntary dismissals by the landlord, by agreement between landlord and renter, or for want of prosecution indicating the landlord failed to appear at court to seek the eviction.

eviction order

A judgment against the renter that directs the sheriff to move the renter out of the unit. Judges often grant a stay (waiting period) to allow renters brief time to move out. If the renter is still residing in the unit after the stay period, the landlord can then bring the eviction order to the Sheriff's office to have the renter removed.

judgment

The decision of the court written in a court order. If the renter loses, an eviction order is normally entered and/or a money judgment for rent may also be entered against the tenant.

sealing

The practice of removing certain court records from public view. Permission of the court is required to access information about a sealed case.

A FILING IS NOT A JUDGMENT

—BUT CAN HAVE THE SAME EFFECT ON FUTURE RENTAL PROSPECTS

Having an eviction filing on your record—a publicly accessible history of having sued or been sued by a landlord—can be a serious obstacle to finding housing in the future. Too often, people do not understand that an eviction filing does not mean someone was actually evicted.

When a tenant has an eviction finding against them in accordance with state law, this is understandably part of the public record. However, an eviction record is also publicly available when there has been no judgment against the tenant. This includes:

- Cases that were dismissed.
- Cases where tenants were able to successfully defend against the eviction.
- Cases where tenants are named as necessary parties, but did no wrong, such as when they are renting a condo or their landlord is facing foreclosure.

Under the federal Fair Credit Reporting Act, consumer reporting agencies cannot report on most information after it is seven years old. However, eviction records older than that are currently available online through both court- and privately operated services.

Especially in a digital age where personal information is easily accessed and aggregated as soon as a court case is filed, eviction court filings should not automatically damage an individual's rental prospects. Incomplete or unclear court records—whether accessed directly through the online court records or presented by a third party such as a tenant screening company—only make this problem worse.

LANDLORD SCREENING IN A DIGITAL AGE

Before renting properties, landlords almost always screen applicants. Common screening criteria include checking an applicant's credit history, criminal history, and often for eviction court history. Increasingly, landlords go online to the court's website to run searches themselves. Many landlords purchase reports from tenant screening companies, which collect information from eviction courts and aggregate it with other publicly available data. Some make recommendations that are often based solely on the existence of a recent case, regardless of context or outcome. **Reliance on screening company reports may increase in the wake of a decision by the three major credit bureaus in 2017 to not include the vast majority of civil judgments on a standard consumer credit report without other identifying information, such as a birthdate or social security number.** Tenant screening companies may report information about civil judgments only for seven years or until the statute of limitations has expired, whichever is later.

Landlords have an understandable interest in access to background information on applicants, but that must be balanced with ensuring that eviction records are used in a way that accurately reflects a case's outcome. This is especially important when the information is being used by many different companies and it can be extremely difficult to correct wrong or outdated information.

SEALING RECORDS TO EXPAND ACCESS TO HOUSING

Having a court record sealed means the court record still exists, but it is not available to the general public. Sealed records can still be seen by government agencies, law enforcement agencies, or a specific person if a judge orders that they can see it.

Primarily to help people improve their ability to secure employment, Illinois has created several state laws in recent years that allow people with minor misdemeanor convictions and certain lower-level felony convictions to seal or expunge their record. Expungement is a similar process to sealing that allows for permanently deleting a criminal court record for certain non-convictions. In the employment context, federal law is clear that commercial background screening companies should not use a sealed court record to create reports on a person, although they sometimes do.³ Expanding access to sealing for people with eviction records—a civil, not criminal matter—can help expand access to housing.

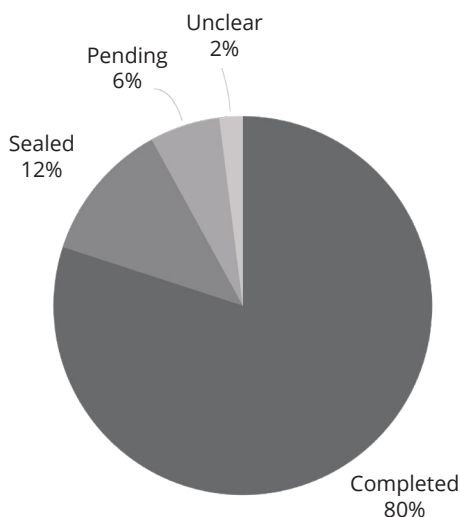


DATA FINDINGS

Our findings are based on 105,272 unsealed, completed cases from an estimated 131,039 residential eviction cases filed during the calendar years of 2014-2017 with the Circuit Court of Cook County. For a more in-depth explanation of our methods and data, please refer to page 16.

EVICTON CASE STATUS

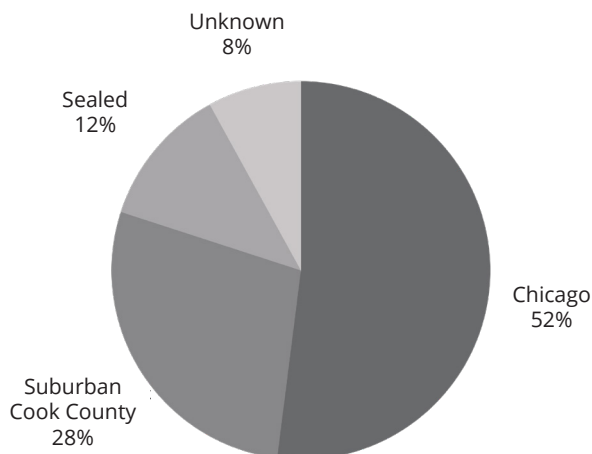
ALL RESIDENTIAL FILINGS



Due to the timing of this report, most of the pending cases were from the last quarter of 2017. Only the 105,272 completed cases were used in our analysis. 12% of cases were sealed. Little is known about these cases, but current law does provide for the sealing of foreclosure-related cases, and presumably a large portion of these cases were sealed for that reason. The law also allows cases to be sealed if they are “sufficiently without a basis in fact or law.”

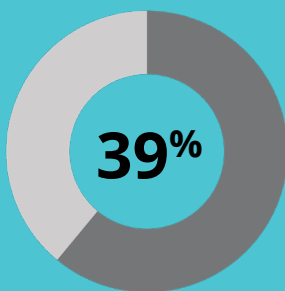
CASES BY GEOGRAPHY

ALL RESIDENTIAL FILINGS



Chicago had about twice as many eviction cases as the rest of Cook County. Based on data from the US Census, about 70% of the county's rental housing is located in Chicago.

MORE THAN 1/3 OF CASES DO NOT RESULT IN A JUDGMENT AGAINST TENANT



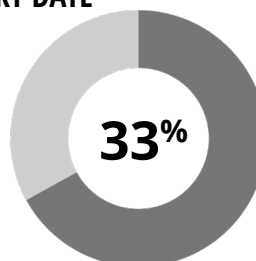
Between 2014 and 2017, 39% of completed cases did not end in a judgment against the tenant. Based on the total number of residential eviction filings we estimate that **15,091 people** ended up or will end up with an eviction filing on the public record each year, despite not having a judgment against them. These are people like Janet and John, or Margie and Phyllis, whose stories are shared in the following section.

FEW TENANTS ARE REPRESENTED BY ATTORNEYS



While 81% of landlords had attorneys, only 12% of tenants did. This puts tenants at a serious disadvantage in their ability to successfully defend themselves in court.

1/3 OF FINAL JUDGMENTS HAPPEN DURING THE FIRST COURT DATE



In 33% of completed cases (and in over half of all judgments), the final judgment was entered at the first court date, often after only minutes in front of a judge.

A LEGAL AID ATTORNEY'S PERSPECTIVE

Mia Segal is the Supervising Attorney of the Poverty Law Project at the Legal Aid Society of Metropolitan Family Services in Chicago. The Poverty Law Project provides free legal assistance to low-income families primarily in the area of housing law. This includes cases dealing with unsuitable living conditions, security deposit withholding, Housing Choice Voucher preservation, and evictions. On a regular basis, Mia sees the ramifications of an eviction filing on a person's record.

When one of her client's eviction cases is about to be dismissed, Mia always tries to print "dismissal order" in bold at the top and provides her clients with copies of the dismissal order to show to landlords when they apply for new housing. Unfortunately, she says, a dismissal often does not seem to matter. **"Many landlords do not differentiate between a filing and a judgment,"** Mia says. **"It doesn't matter if you won or the case was dismissed. It's just, 'You have an eviction on your record.' Period."**

At the Poverty Law Project, attorneys understand the importance of getting their clients' eviction cases sealed. They know from experience that an eviction record is a serious impediment to tenants finding apartments in the future. **"Right now,"** Mia says, **"an eviction filing is viewed as a finding of culpability by landlords, and there are unfair and discriminatory consequences that result from it."**

An eviction filing can also impede access to public housing. Mia recalls an elderly client who always paid her rent on time, but was suddenly served an eviction notice. The client learned that her rent payments never made it to the landlord because the landlord's rent collector was stealing the money. When the case went to court, Mia presented her client's rent receipts. After learning about the rent collector's theft, the landlord voluntarily dismissed the eviction case. But the client's troubles were not over. When she rose to the top of a senior housing waitlist, her application was denied because that previous eviction filing appeared on her record. Without Mia's help providing court documentation and a persuasive letter, her client may not have been able to secure the senior housing she needed.

Mia also sees plenty of people seeking help because they have an eviction record from years ago but are still having a great deal of trouble finding housing. However, unless she is able to show that these cases were not based in fact or law, she is unable to get the court records sealed. This means that future landlords will forever be able to see the record of those long-ago eviction filings and use them against tenants. **"At what point—even if people do have some financially lean times—at what point are you allowed to start over?"**

When asked if she knew of anyone who succeeded in getting their eviction record sealed without legal guidance or representation, Mia had an immediate answer: No.

10 APPLICATIONS AND 10 REJECTIONS LATER,

A LEGAL AID LAWYER HELPED PHYLLIS SEAL HER EVICTION FILING RECORD AND SHE WAS ABLE TO FIND A HOME.

PHYLLIS' STORY

Phyllis consistently paid her rent to a property management employee who stopped by her unit to collect the rent because the property management office was difficult for her to access as a senior with a disability. At the beginning of January, she paid the employee with a money order—but just six days later, she received a 5-Day Notice of eviction for nonpayment of rent.

While the property management office did acknowledge receiving her money order, they claimed there was an error in her payment and told her they sent it back. Phyllis never received the returned money order, putting her in a tough situation; she did not have enough money in her account to pay the rent a second time within the notice period.

Her landlord decided to proceed with the eviction process. An attorney from the Poverty Law Project managed to negotiate a settlement for Phyllis, but the landlord refused to agree to seal her record.

Initially, Phyllis believed having an eviction filing on her record wouldn't matter because she had a Housing Choice Voucher that guaranteed payment of a large portion of her rent. **After submitting ten applications, paying ten application fees, and receiving ten rejections, she realized she was sorely mistaken. Only after her attorney returned to court requesting that her record be sealed was Phyllis able to secure a new apartment.**

A Different Outcome

Under the proposed legislation (page 14), when tenants prevail in court, parties settle the case without an eviction order, or parties otherwise agree that the case will remain sealed, tenants' cases would be sealed at the time of filing and stay sealed. Phyllis probably would not have spent as much money on application fees and been able to find a new home sooner.

A LANDLORD'S PERSPECTIVE

Taft West began his career in property management during the late 70s as an Assistant Manager trainee at a large, upscale, high-rise development. Throughout three decades working in real estate, he has managed a wide variety of properties—some housing upwards of 3,000 families at a time—including condominiums, affordable housing, and public housing developments. In 2001, Taft earned his Broker's License and began working with the Property Management Training Program at the Community Investment Corporation, where he taught best practices to thousands of landlords throughout the Chicagoland area for more than ten years. Taft currently manages the Technical Assistance and Sustainability programs at the Chicago Community Loan Fund.

“People are too complex
for lines on a paper to
cover every situation.”

When Taft trained landlords for the Community Investment Corporation, he always started off by posing one question: “What comes to mind when you hear the word *tenant*?” After allowing property managers to spout off their answers—often labeling tenants as *sketchy* or a *dodger*—Taft would put forth the one description that sets his rental philosophy apart from the rest: *partnership*. He views each and every tenant as a partner.

“A lot of landlords who are searching for a tenant just look at the paperwork,” Taft explains. **“They try to pick the person who has the best record as opposed to who might be the best individual or who might be the best fit for that property.”**

Taft has used tenant screening companies in the past to gather information on prospective tenants, but found that his own process for assessing tenants yielded better results. When he goes through an application, he performs the necessary background checks to confirm the information, talks with current and previous landlords, and then will even conduct a home visit to meet the tenants at their current residence. This provides a more well-rounded representation of the individual or family than what might appear on paper.

When asked if he ever rented to people with an eviction on their record, Taft responded, “I have, because things happen.” He describes tenants who were laid off but now have stable employment or who were evicted years ago and deserve a second chance to prove themselves. He always asks for the story in writing and adds it to the application file before making a final decision.

As a landlord, he views filing for an eviction as a last resort. “There are times I had over 2,000 tenants and a year—maybe longer—would go by before I had to file any evictions,” Taft remembers. “When you do a proper screening, have consistent application rules, good communication, strong landlord and tenant relations, solid management and maintenance procedures—all of

these things are the way to avoid evictions.”

Before he resorts to filing an eviction case, Taft says he first calls everyone on a tenant's emergency contact sheet for help. As a property manager, Taft takes responsibility for doing everything he can to support the people living in his building and aims to be a resource to the neighboring community. He shares stories of driving tenants to places he knows are hiring so they can apply for work, setting up payment plans for families who have difficulties adhering to the typical rent schedule, and even paying for a truck to help move someone's stuff to a safe location after an eviction. He also sits down with the tenant to explain that an eviction judgment will follow them for years when they're trying to find housing in the future. “If we actually got to court, it was because I could not work anything out, no matter what, with that person.”

His methods have led to higher retention rates and better profits for his properties, sometimes to the surprise of his supervisors. Taft has consistently seen that this approach is beneficial for both the landlord and the tenant in the long run.

One of the primary reasons he believes evictions should not be handled lightly is because having an eviction record is the number one reason a tenant will not be considered for housing. “Here's what I always tell people who want to be landlords: **‘Your goal ought to be to keep people housed,’**” he explains. **“When someone is in a problem and they lose their housing, it doesn't just impact them. If they've got kids in school or if their job is proximal...All of those things are part of losing housing. And from a managerial standpoint: if I keep somebody housed and they're paying their rent, then at the end of the year, the bottom line is better!”**



A'S STORY

"A PENDING CASE SHOULDN'T LEAVE SOMEONE'S HOUSING PENDING."

At the time of this report's compilation, LCBH is representing a tenant (named "A" in this report) who is renting a condominium unit from an individual owner. That owner is being evicted by his association for not paying assessments, and as is often the case, the tenant is named as a party in the eviction, although there is no allegation that she has done anything wrong. A hopes the condominium association will decide to rent to her after they regain possession of the unit, as is often the case. However, when LCBH secured a copy of A's screening report from a commonly used tenant screening company, the pending case shows up on her record. There is not sufficient information to convey the details of this situation to a prospective landlord or to show that this is just an eviction filing, that A was not alleged to have done anything wrong, and that no decision on the case has been made. If A applies to rent somewhere else, she is worried the record of this eviction filing might prevent her from finding a new home. "This tenant didn't do anything wrong," says Victoria Ogunsanya, the attorney at LCBH representing A's case. "A pending case shouldn't leave someone's housing pending."

A Different Outcome

Under our proposed legislation (page 14), cases of tenants in condominium units who are only being evicted because of an action against the unit owner would be sealed at the time of filing and stay sealed. Court files of cases that are still being decided would also stay sealed until there is a judgment in the case.

"I WOULDN'T WISH IT ON MY WORST ENEMIES."

In 30-plus years in the Logan Square area, Margie had only lived in four different apartments. When a new owner bought her building, she was going on her seventh year in the apartment she shared with her son. It was cramped to share a one-bedroom with him, and she wished they had a shower instead of a bathtub, but it was affordable. They both work hourly wage jobs—he's been Employee of the Month time and again at a large retailer, and she loves the job at a restaurant where she has worked for more than a decade.

The property management company that took over Margie's building informed her that their rent would spike from \$700 to \$1000 in just three months. When Margie told them there was no way she could afford the increase, they agreed that she could pay \$800 per month for the next year. In return, they would leave her apartment "as-is" and not include it in the renovations they were undertaking in the rest of the building—which is located in a rapidly gentrifying neighborhood.

But when her upstairs neighbor was evicted and the company started to remodel the unit above her, **"Everything came down in on me,"** Margie recalls, shaking her head. **"There were bed bugs, there were roaches...it was just horrible."** Her landlord took steps to deal with the bed bugs, but not the roaches. When Margie took pictures of the infestation and shared them, the landlord said, "Well, you're living in it as-is." Then her landlord sent her a 30 Day Notice saying she would have to be out at the end of the month. "They texted me that they would help me find a place," Margie says. "I could leave all my furniture and stuff behind and they were going to do everything for me...that's how bad they really wanted me out. But every area they wanted me to move to was a very bad area."

The pressure for Margie and her son peaked when they were served a summons to appear in eviction court.

A Different Outcome

Under our proposed legislation (page 14), Margie's eviction case would have been sealed at filing and stay sealed because it was brought at the end of a lease period when her landlord no longer wanted to renew the lease. Margie and her son probably would have secured an apartment sooner.

MARGIE'S STORY

Fortunately, a neighborhood group helped connect her with LCBH. "I was so stressed. It was just like the walls were closing in on me. Once I got to know everyone at LCBH, it was like everything started to open up. I was so fortunate that I had someone in my corner, because it was hell."

LCBH helped her look for a new apartment and submit applications while her case was working its way through the court. Jude Gonzales, LCBH's Supportive Services director says, **"It's always difficult finding housing for our clients that are being evicted. When advocating for our clients, we help prospective landlords see an unjust eviction as an unfortunate circumstance and not a condemnation of character."** Margie and her son were eventually able to find a new home, and the day after her birthday, Margie's family came with a truck and cleared out the old place. The new apartment has two bedrooms and is right near a park that her grandchildren can play in when they visit.

When her lawyer let her know the case was settled and the eviction filing would be sealed, Margie was overwhelmingly relieved. Without legal assistance, **Margie believes she would be homeless and living doubled-up with her family right now because she probably would not find an apartment with an eviction filing on her record. "Eviction looks really bad. When [landlords] look you up, they say, 'Well you've been evicted, we can't have you here.' If you want a nicer apartment, you won't be able to get it."**

She wants to share her story to help others who are facing unfair eviction filings. "You can't be weak and be in this situation. If you're weak, you're not going to survive... **Because eviction? It's nothing nice. I wouldn't wish that on my worst enemies."**

JANET'S STORY

"THE EVICTION SHOULD HAVE GONE ON MY LANDLORD'S RECORD, NOT MINE. I WAS A TENANT."

When Janet learned there was an eviction filing on her record, she was shocked. She was trying to find a new apartment because her landlord was facing foreclosure. **"The eviction filing should have gone on my landlord's record, not mine," she says. "I was a tenant. Somehow my record slipped through the cracks and was not sealed. It should have been."**

Because the eviction filing kept her from finding a place to rent and she had to be out of her apartment in a matter of weeks, Janet moved into a friend's home. "Here I am, trying to work full-time at a social service nonprofit, live my life as a single adult, looking after my elderly parents," she remembers. "I have no debt, I've never had a bounced check, and I've never had a problem with any landlord. It was such a terrifying experience."

She couldn't afford a lawyer, but she found a free legal aid agency that provided her with a letter explaining her situation. Even with the letter, she encountered misunderstanding and disapproval from prospective landlords. When she finally found someone willing to rent to her, she said it was because, "the owner was desperate to get out. I'm paying a lot more than I should be." More than a year later, she still gets choked up talking about it. **"I felt tainted, diminished. Limited, like I had no options. I really felt like I was not part of the working class here in Chicago, like I was cast to the side."**

The legal aid agency helped Janet understand how to get the record of her eviction filing sealed. "I got some great counsel and guidance. I had no clue how this whole system worked." Janet represented herself in court. "Not being that savvy at this, it was very intimidating." Fortunately, she prevailed and her record was sealed. She hopes no one else has to go through what she did, and she thinks the system needs to change. **"To make a tenant responsible like that, put the onus on them to seal a record, it's so unfair."**

A Different Outcome

Under our proposed legislation (page 14), cases brought against tenants who are only implicated because a building owner is being foreclosed upon would be sealed at the time of filing and stay sealed (current Illinois law does seal foreclosure-related cases, but not specifically at the point of filing). Janet may not have had as many issues with quickly securing housing and, with increased rental choices, probably would be living in a more affordable apartment now.

"I'VE NEVER EVEN BEEN SERVED AN EVICTION NOTICE."

JOHN'S STORY

John was studying finance at DePaul when there was an issue with his student loan check and he fell behind on his rent. He had been a good tenant for half a decade, except for a few late rent payments when he lost his job in the recession. Since paying his rent late had not been a problem before, John thought it wouldn't be this time; as soon as he was able, he paid what he owed. When his landlord got the check in the mail, he called John. "He said, 'Man, we just went to the attorney!'" John remembers. "But then I didn't hear anything else about it. I actually forgot about it." He paid and stayed in his apartment.

Eight years later, John was planning to move to West Rogers Park. "I went through the whole application process for a place," he recalls. "And the guy calls me up and says, 'You got evicted.' I didn't know what he was talking about. He called it an eviction!" John didn't realize his landlord had actually filed an eviction case (and had it dismissed), because he never received a notice and the landlord just mentioned going to an attorney, not filing a claim.

"I've never been evicted," he says. "I've never even been served an eviction notice. But my application was denied. He just said, there's an eviction on your record. After that, I couldn't get him on the phone."

He figures that it's their loss. "They're turning away someone who can easily pay the rent." It was affordable for him at \$800 per month, which was less than 20% of his income. **"I was in a bad situation in '08. I am not now."** He says he's done renting, "partly because of this. I'm buying something." He knows he's fortunate to be in a position where he can decide to buy instead of rent, and says, "I think if I went to rent it would be a problem."

A Different Outcome

Under our proposed legislation (page 14), John's eviction case would have been sealed when it was filed and remained sealed when it was dismissed. John probably would have been able to secure an apartment in other areas of the city.

A DIFFERENT OUTCOME

We recommend that Illinois enact a law that seals eviction case records at the point of filing (see our [Policy Recommendations on the next page for more detail](#)). How could these stories have turned out differently if their eviction records had been sealed at the point of filing?

A

A is renting a condominium unit from an individual owner who is being evicted by his association for not paying assessments. She is named as a party in the eviction and, although there is no allegation that she has done anything wrong, the pending case shows up on her record. Under our proposed legislation, cases of tenants in condominium units who are only being evicted because of an action against the unit owner would be sealed at the time of filing and stay sealed. Court files of cases that are still being decided would also stay sealed until there is a judgment in the case.

JANET

When her landlord was foreclosed upon, an eviction filing appeared on Janet's record and she experienced difficulties finding housing because of this. Under the proposed legislation, cases brought against tenants who are only implicated because a building owner is being foreclosed upon would be sealed at the time of filing and stay sealed. Janet may not have had as many issues with quickly securing housing and, with increased rental choices, probably would be living in a more affordable apartment now.

JOHN

John's landlord dismissed the eviction case against him once he paid the rent owed, but John spent eight years not knowing he had an eviction filing on his record. When he wanted to move to a new area, he was unable to find someone to rent to him. Under the proposed legislation, John's eviction case would have been sealed when it was filed and remained sealed when it was dismissed. John probably would have been able to secure an apartment in other areas of the city.

MARGIE

Before her lease ended, Margie was served a 30 Day Notice at an apartment where the property manager refused to eradicate a cockroach infestation caused by renovations. When Margie was unable to secure a new apartment in time, her landlord filed for eviction. While her case was eventually settled, having the eviction filing on her record was enough to prevent her from finding a new home in the meantime. Under the proposed legislation, Margie's eviction case would have been sealed at filing and stay sealed because it was brought at the end of a lease period. Margie and her son probably would have secured an apartment sooner.

PHYLLIS

Phyllis was served an eviction notice after her money order was misplaced by the property management office. The landlord refused to agree to seal the eviction case when they reached a settlement, leaving Phyllis with a record that led to her application being denied for ten different apartments. Under the proposed legislation, tenants who prevail in court, settle the case without an eviction order, or otherwise agree with the landlord that the case should remain sealed would have their cases sealed at the time of filing and stay sealed. Phyllis probably would not have spent as much money on application fees and been able to find a new home sooner.

POLICY RECOMMENDATIONS

ENACT LEGISLATION TO HOLD EVICTION CASE RECORDS FROM PUBLIC VIEW UNTIL CASES ARE COMPLETED.

A critical first step to tackle the broader issue of eviction is to protect tenants from the harmful effects of the existence of an eviction filing on their record.

We recommend that Illinois enact a law that seals eviction case records at the point of filing. Such a law would protect tenants whose cases could eventually be sealed from ever having the case come up in the public record. Under this proposed policy:

- Records of new eviction filings would be sealed, and court records, with some exceptions, would only be made available to the parties in the case.
- If the eviction case is resolved against the tenant and an eviction order is entered, the case would generally be unsealed and enter the public record.
- Tenants who are being evicted without good cause—for instance, due to foreclosure, the dispossession of a condominium, or because their lease is not being renewed—would have their record remain sealed.

Finally, state law should provide for all eviction records to be sealed after a specified number of years. For example, bankruptcy filings appear on credit reports for 7–10 years. After a certain amount of time has passed, people should be allowed to make a fresh start.

LEGAL PRECEDENT IN OTHER STATES

This proposed policy to seal eviction records in Illinois at the time of filing has precedent in a long-standing California state law, amended in 2016, which also seals eviction case records at the point of filing. The original state law, in effect since 1991, provided that eviction cases were not available to the public for 60 days after the filing of the case. The 2016 amendment mandates that all eviction records remain private unless landlords prevail within 60 days of filing eviction lawsuits—a change that keeps more cases permanently sealed.

Other states and local governments limit the use of eviction records by other means, including regulating the use of eviction court records in rental decisions, limiting the visibility of online court records and/or regulating the content of tenant screening reports.⁴

CURRENT ILLINOIS LAW

Discretionary sealing: under current Illinois law (735 ILCS 5/9-121(b)), eviction cases remain in the public court record forever unless the tenant files a motion to have the record sealed and the judge finds that the case meets the criteria for discretionary sealing, including that the case was “sufficiently without a basis in fact or law.” Public interest attorneys report that this is a high bar for most tenants to meet. Even if the request is granted, sealing does a tenant little good if the eviction record has already been available online and collected by tenant screening companies. Moreover, few tenants have the financial resources or legal knowledge to pursue sealing of their records.

Mandatory sealing: current Illinois law (735 ILCS 5/9-121(c)) already mandates the sealing of court files when the eviction case is solely due to the owner of the building being foreclosed upon. Unfortunately, this is happening inconsistently in practice and the law is not explicit that the cases be sealed at filing, so many of these cases still do enter the public record, even if they are eventually sealed. However, a 2014 administrative order in Cook County does require that these records be sealed at the beginning of a case, which has been of significant benefit.

Meanwhile, tenants named in condominium eviction cases due to the owner’s failure to pay assessments on the unit have no such protections, as neither the mandatory nor discretionary sealing law applies to them.

Sealing eviction records at filing and allowing certain for-cause eviction cases to enter the public record after their completion would address the shortcomings in current state law discussed above.

ADDITIONAL POLICY RECOMMENDATIONS

Some of our additional policy recommendations focus on ensuring the court process works equally well for both landlords and tenants, especially by increasing tenant access to legal representation, which should result in fewer judgments against tenants at the first court date. Ultimately, we believe that additional public policies, such as expanding access to emergency rental assistance, are needed to address the underlying problems of poverty and a shortage of affordable housing.

Increase Legal Resources for Defendants

Access to legal resources helps tenants avoid default judgments, understand and present defenses, negotiate settlements, and avoid an eviction filing or eviction on their record. However, as this report shows, the vast majority of defendants are not represented by counsel. Ensuring the right to legal representation for low-income defendants in eviction cases now has legal precedent in the form of a groundbreaking law, Intro 214-B, passed in 2017 in New York City. Allies rallied support for this bill by showing how free legal counsel can drastically reduce downstream government costs related to shelters, emergency assistance, and medical bills.

Increase Tenant Education

We need to ensure that pro se tenants know about resources available to them, such as translation services, free (though limited) childcare, and mediation. For example, providing more resources for courthouse “help desks” that allow people to consult with an attorney on landlord/tenant law would be beneficial, as would making more people aware of noncommercial online resources, such as illinoislegalaid.org.

Reinstate Court Recording of Eviction Cases

A lack of transparency and good data on eviction court proceedings in Cook County is related to the fact that Cook County Circuit Court does not have court reporters or recording equipment in eviction courtrooms. Court reporters were removed from eviction courtrooms in around 2006. This absence of a court record means that both defendants and plaintiffs may find it difficult to appeal a judge’s decision.

Restrict the Use of Eviction Court Records

Restricting landlord use of eviction court histories to make rental decisions would make it more possible for tenants who have had an eviction judgment entered against them to find housing in the future. We suggest landlords select tenants based on individual assessments of whether someone can successfully meet the responsibilities of being a good tenant, given their current circumstances, such as references or credit checks. Fair housing laws can serve as an important guide for curbing overreliance on eviction court histories. An Oregon law prevents landlords from considering an applicant’s eviction court record if the action was dismissed, a favorable judgment was entered before the application was submitted, or if a judgment against the applicant was entered more than five years before the application was submitted.

Expand Emergency Rental Assistance

Stopgap measures that provide emergency funds to pay the rent can help families stay in a home and regain stability rather than face eviction and potentially end up on the streets or with a housing record. These funds are a single-use assistance for individuals and families who have encountered a setback such as a medical emergency, and they have proven very effective. By protecting and expanding the State of Illinois Homelessness Prevention Program, which provides rental assistance to those at risk of homelessness, we could support more families experiencing a serious hardship that threatens their housing stability. Funding for the program has been significantly reduced in recent years due to our state budget problems.

Establish Consumer Protections for Residential Tenant Applications

Applying for an apartment can be an expensive proposition if you have to pay multiple application fees. The following state legislative reforms could lower the costs of applying for an apartment and provide more transparency about the process: restricting landlords to charge a fee that is no more than the actual out-of-pocket costs; requiring landlords to provide prospective tenants with a written notice letting them know the date by when they will get a response regarding their application; and if a lease is not offered, requiring that the landlord provide the applicant with a copy of any information obtained from a third-party that formed a basis for denial.

Raise Public Awareness

Eviction records affect the lives of tens of thousands of residents in Cook County each year. Research, stories, and media coverage can shift public understanding and focus efforts on helping people with an eviction in their past (often those already living in economic poverty) be able to afford housing rather than having the opposite effect of making it even harder for them to find a home.

Increase Affordable Housing

The most powerful and effective way to prevent eviction and help those who have gone through eviction court is to protect and expand the availability of affordable housing. No one should have to choose between paying the rent or a mortgage and buying basic necessities like medicine and groceries. Housing policy must be enacted that treats housing as a human right.

METHODS & DATA

Eviction court findings in this report are based on an analysis of eviction cases filed during the calendar years of 2014-2017 with the Circuit Court of Cook County. The case data are a compilation of data from the Circuit Court of Cook County, Record Information Services, Inc., and cases handled by LCBH (about 1% of 1st Municipal District cases). Cases were reviewed throughout 2017 and results were recorded at the time of the review. Defendant names were used to discern residential and non-residential cases. The 1st Municipal District Court sequentially numbers eviction cases and reasonable estimations of additional sealed eviction cases were made where no other data were available. Eviction cases filed with the 2nd-6th Municipal District Courts are not numbered in the same manner, no estimates were made, and only data for known eviction cases were analyzed.

RESIDENTIAL EVICTION CASES

Of the 135,207 cases reviewed, 12% (16,337) were sealed. 97% (115,192) of unsealed cases were residential. This same percentage was applied to sealed cases for an estimated total of 131,039 residential cases, with a four-year average of 32,760 cases. The Circuit Court of Cook County is divided into six geographic sub-districts which are listed in the table below with the four-year total residential eviction cases by case status.

Sub-District	Cases Filed	Sealed Cases	Pending Cases	Unclear Results	Unsealed Completed Cases
1 st Municipal District (Chicago)	100,177	15,329	7,117	1,574	76,157
2 nd Municipal District (Skokie)	3,307	37	65	65	3,140
3 rd Municipal District (Rolling Meadows)	5,714	47	79	48	5,540
4 th Municipal District (Maywood)	5,359	126	98	118	5,017
5 th Municipal District (Bridgeview)	5,549	53	112	131	5,253
6 th Municipal District (Markham)	10,933	255	271	242	10,165
Total	131,039	15,847	7,742	2,178	105,272

15,847 cases are sealed. Little information is known about these cases and no evaluation has been attempted. Current state law does provide for the sealing of foreclosure-related evictions and a large portion of these cases are presumed to be sealed for that reason. The law also allows cases to be sealed if they are “sufficiently without a basis in fact or law.” At the time of review, 7,742 cases were pending and are mostly from the last quarter of 2017. Results presented in this report, unless otherwise noted, are based on the 105,272 unsealed, completed residential cases.

CASES BY GEOGRAPHY

Address information was available for 80% of all residential eviction cases – 92% of unsealed, completed residential cases.

Location	Cases Filed	Percentage of Cases Filed	Unsealed Completed Cases
Chicago	68,169	52%	62,362
Suburban Cook County	36,385	27.8%	34,634
Unknown or Unclear Address	10,638	8.1%	8,276
Sealed Cases	15,847	12.1%	N/A
Total	131,039		105,272

Chicago had about twice as many residential eviction cases during the 4-year period than the rest of Cook County. Data from the American Community Survey (ACS) 2016, 5-Year Estimates (tables B25003 and B25004) reveal that about 70% of the county’s rental housing is located in Chicago.

CASE OUTCOME

Of the 105,272 unsealed, completed residential cases, 39% did not end with an eviction order and/or other judgment entered against the tenant. In these cases, 99% of judgments had eviction orders.

Sub-District	Eviction Order and/or Judgment Against Tenant	No Eviction Order or Judgment Against Tenant	Unsealed Completed Cases
1 st Municipal District (Chicago)	46,403	29,754	76,157
2 nd Municipal District (Skokie)	1,751	1,389	3,140
3 rd Municipal District (Rolling Meadows)	3,150	2,390	5,540
4 th Municipal District (Maywood)	3,337	1,680	5,017
5 th Municipal District (Bridgeview)	2,968	2,285	5,253
6 th Municipal District (Markham)	6,139	4,026	10,165
Total	63,748	41,524	105,272

REPRESENTATION

Of the 105,272 unsealed, completed residential cases analyzed, 81% of landlords had attorney representation while only 12% of tenants did.

	Pro Se Tenant	Represented Tenant	Unsealed Completed Cases
Pro Se Landlord	18,631	1,241	19,872
Represented Landlord	74,391	11,009	85,400
Total	93,022	12,250	105,272

JUDGMENT AT FIRST COURT DATE

In 33% of unsealed, completed residential cases, the final judgment was entered at the first court date, often after only minutes in front of a judge.

Sub-District	Final Judgment at First Court Date	Unsealed Completed Cases
1 st Municipal District (Chicago)	24,611	76,157
2 nd Municipal District (Skokie)	1,006	3,140
3 rd Municipal District (Rolling Meadows)	1,998	5,540
4 th Municipal District (Maywood)	1,896	5,017
5 th Municipal District (Bridgeview)	1,612	5,253
6 th Municipal District (Markham)	3,266	10,165
Total	34,389	105,272

NAMED DEFENDANTS & HUMAN IMPACT

There were 152,889 named defendants in the 115,192 unsealed residential eviction cases, an average of 1.33 defendants per case. It is common practice to list “Unknown Occupants” in eviction cases along with the actual named defendants. Nearly 85% of cases listed some form of “Unknown Occupants” and those listings were not included in the total defendant count.

As noted, only 105,272 cases have been completed and 39.4% (41,524) of those cases did not end in an eviction order or other judgment against the tenant. If the remaining cases were resolved at a similar rate, a total of 45,386 cases (an annual average of 11,347 cases) would not end in a negative judgment. We could then estimate (using the 1.33 average defendants per case) that approximately 60,363 people in the last 4 years—or 15,091 people each year—ended up or will end up with a public eviction record despite having no eviction order or other judgments against them.

RESOURCES & FURTHER READING

EVICTON IN THE CHICAGO METRO AREA

- Doran, Karen, et al. "No Time for Justice: A Study of Chicago's Eviction Court." *Lawyers' Committee for Better Housing*, Dec. 2003, www.lcbh.org/sites/default/files/resources/2003-lcbh-chicago-eviction-court-study.pdf.
- Elliot, Diana, and Emma Kalish. "Chicago: The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budgets." *Urban Institute*, 25 Jan. 2017, www.urban.org/sites/default/files/publication/87686/chicago-cost-eviction-and-unpaid-bills-financially-insecure-families-city-budgets_2.pdf.
- Krent, Harold, et al. "Eviction Court and a Judicial Duty of Inquiry." *Journal of Affordable Housing*, vol. 24, no. 3, 2016, www.americanbar.org/content/dam/aba/images/affordable_housing/publication/journalaffordhouselaw/2015/AH_24-3_09Krent.pdf.

EVICTON ACROSS THE NATION

- Hasvold, Aubrey and Jack Regenbogen. "Facing Eviction Alone: A Study of Evictions (Denver, Colorado; 2014-16)." *Colorado Center on Law & Policy*, Sept. 2017, www.cclponline.org/wp-content/uploads/2017/09/Facing-Eviction-Alone-9-11-17.pdf.
- The Legal Aid Society of San Mateo County, et al. "San Mateo County: Eviction Report 2016." *The Legal Aid Society of San Mateo County*, June 2017, www.legalaidsmc.org/2016-eviction-report.
- Management Partners. "City of Fremont- Rent Control and Just-Cause Eviction: Review of Programs." *City of Fremont*, 9 June 2017, www.fremont.gov/RentResearchReport.
- The Public Justice Center, et al. "Justice Diverted: How Renters are Processed in the Baltimore City Rent Court." *Public Justice Center*, Dec. 2015, http://www.publicjustice.org/uploads/file/pdf/JUSTICE_DIVERTED_PJC_DEC15.pdf.
- Reinvestment Fund, et al. "Policy Brief: Evictions in Philadelphia." *Reinvestment Fund*, Jan. 2017, www.reinvestment.com/wp-content/uploads/2017/01/Evictions_in_Philadelphia_brief_Final.pdf.

GENERAL EVICTON RESEARCH

- Desmond, Matthew, and Carl Gershenson. "Who gets evicted? Assessing individual, neighborhood, and network factors." *Social Science Research*, vol. 62, Feb. 2017, www.scholar.harvard.edu/files/mdesmond/files/desmondgershenson.ssr_.2016.pdf.
- Desmond, Matthew, and Tracey Shollenberger. "Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences." *Demography*, vol. 52, 19 Aug. 2015, www.scholar.harvard.edu/files/mdesmond/files/desmondshollenberger.demography.2015.pdf.
- Desmond, Matthew, and Monica Bell. "Housing, Poverty, and the Law." *Annual Review of Law and Social Science*, vol. 11, 22 July 2015, www.scholar.harvard.edu/files/bell/files/desmondbell.arlss_.pdf.
- Desmond, Matthew. "Eviction and the Reproduction of Urban Poverty." *American Journal of Sociology*, vol. 118, no. 1, July 2012, www.scholar.harvard.edu/files/mdesmond/files/desmond.evictionpoverty.ajs2012.pdf.
- Greenberg, Deena, et al. "Discrimination in Evictions: Empirical Evidence and Legal Challenges." *Harvard Civil Rights-Civil Liberties Law Review*, vol. 51, 2016, www.scholar.harvard.edu/files/mdesmond/files/greenberg_et_al_.pdf?m=1462385261.
- Hartman, Chester, and David Robinson. "Evictions: The Hidden Housing Problem." *Housing Policy Debate*, vol. 14, no. 4, www.innovations.harvard.edu/sites/default/files/10950.pdf.

RESEARCH ON THE CONSEQUENCES OF EVICTION

Desmond, Matthew, and Rachel T. Kimbro. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*, vol. 94, Feb. 2015, [www.http://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf](http://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf).

Desmond, Matthew and Carl Gershenson. "Housing and Employment Insecurity among the Working Poor." *Social Problems*, Jan. 2016, www.scholar.harvard.edu/files/mdesmond/files/desmondgershenson.sp2016.pdf?m=1452638824.

First Focus. "Children and Families Facing Eviction: Policy Recommendations to Support Stability." *First Focus*, 19 July 2017, www.campaignforchildren.org/wp-content/uploads/sites/2/2017/07/Housing-Policy-Recommendations-Report-FINAL-07-18-Recommendations.pdf.

TENANT BLACKLISTING & RECORD SCREENING

Caramello, Esme, and Nora Mahlberg. "Combating Tenant Blacklisting Based on Housing Court Records: A Survey of Approaches." *Sargent Shriver National Center on Poverty Law Clearinghouse Community*, Sept. 2017, www.povertylaw.org/clearinghouse/article/blacklisting.

New York State Bar Association. "LEGALEase: The Use of Tenant Screening Reports and Tenant Blacklisting." *New York State Bar Association*, 2017, www.nysba.org/TenantLE.

Winn, Peter A. "Online Court Records: Balancing Judicial Accountability and Privacy in an Age of Electronic Information." *Washington Law Review*, vol. 79, no. 1, 1 Feb. 2004, www.papers.ssrn.com/sol3/papers.cfm?abstract_id=2155282.

RESOURCES FOR TENANTS

Illinois Legal Aid Online. 2017, www.illinoislegalaid.org/legal-information/house-apartment.

Federal Trade Commission. "Disputing Errors on Credit Reports." *Consumer Information*, Feb. 2017, www.consumer.ftc.gov/articles/0151-disputing-errors-credit-reports.

Federal Trade Commission. "Your Equal Credit Opportunity Rights." *Consumer Information*, Jan. 2013, www.consumer.ftc.gov/articles/0347-your-equal-credit-opportunity-rights.

Lawyers' Committee for Better Housing. "Renters' Guide to Eviction Court." *Lawyers' Committee for Better Housing*, 2016, www.lcbh.org/sites/default/files/resources/Eviction-Booklet-2016.pdf.

ENDNOTES

1 For an overview of housing law and its impact on poverty, see: Desmond, Matthew, and Monica Bell. "Housing, Poverty, and the Law." *Annual Review of Law and Social Science*, vol. 11, 22 July 2015, www.scholar.harvard.edu/files/bell/files/desmondbell.arlss_.pdf; For a recent overview of unfair civil procedures, see: Lieberman, Hannah. "Uncivil Procedure: How State Court Proceedings Perpetuate Inequality." *Yale Law & Policy Review*, vol. 35, 2017, <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1713&context=yldr>; For more research on eviction throughout the United States, please see the "Eviction Across the Nation" section on the Resources & Further Reading pages.

2 Dukmasova, Maya. "South Shore is Chicago's Eviction Capital." *Chicago Reader*, 17 April 2017, <https://www.chicagoreader.com/Bleader/archives/2017/04/17/south-shore-is-chicagos-eviction-capital>

3 Dietrich, Sharon M. "Preventing Background Screeners from Reporting Expunged Criminal Cases." *Sargent Shriver National Center on Poverty Law Clearinghouse Community*, April 2015, <http://povertylaw.org/clearinghouse/stories/dietrich>.

4 For more information on tenant blacklisting and regulating publicly-available eviction records, see: Caramello, Esme, and Nora Mahlberg. "Combating Tenant Blacklisting Based on Housing Court Records: A Survey of Approaches." *Sargent Shriver National Center on Poverty Law Clearinghouse Community*, Sept. 2017, www.povertylaw.org/clearinghouse/article/blacklisting.