

**Testimony on Eviction Record Sealing and Masking in Maryland**

February 17, 2021

My name is Eva Rosen, I am an assistant professor at Georgetown in the McCourt School of Public Policy. Thank you for the opportunity to testify today. I am writing to express my support for HB-112, HB-1008, HB-697 regarding the sealing and masking of eviction records.

**Record sealing is critical to ensuring the future housing stability of tenants**

Currently, all eviction records in Washington, DC are publicly searchable on the Superior Court website. Searchable public information includes the full names and address of tenants for every eviction filing in the city – even those that are quickly dismissed when back rent is paid. Since these eviction records are publicly available, landlords can and do access them—often with the help of third-party data aggregating companies—to legally discriminate against tenants who are looking for housing after receiving an eviction filing or being

Public eviction records create a sort of “blacklist” that leaves a lasting mark on tenants who have experiences of the eviction process. Since many low-income tenants experience income volatility that leads to missed rental payments, it is not uncommon for a tenant to have an eviction filing that does not result in an eviction. Critically, my research shows that large portions of tenants with an eviction filing do *not* ultimately get evicted. They have no legal judgment against them. Publicly available records of filings are therefore likely to mischaracterize the experiences of low-income tenants.

Notably, substantial research shows that an eviction record – whether a filing or an executed eviction – makes it harder for tenants to find housing in the future. Record sealing is therefore an essential tool to prevent the stigma of a past eviction from marring a tenant’s chances of finding stable housing in the future.

**Records must be sealed *immediately upon filing***

In order for record sealing to be effective, it needs to occur at the moment of the filing—not later in the eviction process. The reason for this is simple. There are a number of third-party data aggregating companies that regularly scrape court records, compile them, and sell the data, usually in the form of a screening “score,” but sometimes including direct information about eviction history. Companies sell these scoring products to property owners who, in turn, use them to make decisions about whether or not to rent to a prospective tenant. Indeed, *any* period of public availability will allow data scraping to occur and make it possible for landlords to use records even if they are subsequently sealed. Efforts to try to get data aggregation companies to update their records upon completion of a court case (to remove cases that do not end in executed evictions) are virtually impossible to enforce. For this reason, it is imperative that records be sealed as soon as they are filed.

**Records sealing legislation must explicitly enable tenants to access their cases, and researchers to access the data**

Finally, it is essential that we preserve access to all eviction records by researchers in order to properly understand and analyze eviction trends in the District, and by tenants and their legal aid, in order to follow their own cases. In places that have passed record sealing bills without delineating a clear pathway for researchers to access data, tracking eviction has become more difficult. This has negative effects on tenants and deprives policymakers of the opportunity to engage in data-driven policy.

Sincerely,

Eva Rosen

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