

# LCBH Eviction Sealing Project

## Removing Barriers to Finding Affordable Housing



Lawyers' Committee  
for Better Housing

*40 Years of Housing Justice*

Lawyers' Committee for Better Housing's (LCBH) mission is to provide free legal and supportive services to improve housing stability for lower income renters while advocating for the rights of all renters until everyone in Chicago has a safe, decent, and affordable place to call home. For over 40 years LCBH has exclusively served Chicago renters living in private (non-subsidized) rental housing who are facing unjust evictions or living in substandard housing. Using a fundamentally different approach to prevent homelessness, LCBH intervenes before renters are forced out of their homes and holistically addresses the short-term housing crisis and its underlying causes by combining legal aid with social services and public policy initiatives.

**September 2022**

# Erasing Eviction Records

## LCBH Eviction Sealing Project: By the Numbers

**1,003**

EVICTED CASES:

**253**

at community-based clinics

**329**

through our app, Rentervention

**421**

in our Virtual Clinic



**15**

Community-based SEALING CLINICS

**165**

Pro Bono VOLUNTEERS

**24** COUNTIES

### Max's Story:

When Max found himself unemployed, evicted, and experiencing homelessness 7 years ago, he thought the worst was over. Little did he know, a barrier to safe, decent housing would remain: **his eviction record.**

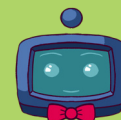
Today, Max's eviction record is finally sealed thanks to one of LCBH's sealing clinics. Relieved, Max can leave the 'Scarlet E' of eviction behind and move forward with his life.

Thousands of renters have an experience like Max's. Their public eviction records make it difficult to find housing. As the Illinois law making it easier to seal eviction records sunsets, advocacy is needed to implement permanent sealing protections for tenants, so all renters have access to fair, decent housing.

**"This is a new beginning. Now my eviction is sealed, and I can finally move forward."**



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## LCBH's Eviction Sealing Project: Removing Barriers to Finding Affordable Housing

August 2022

**Executive summary.** Public eviction court records make it difficult for renters to find future housing, perpetuating cyclical poverty. Supported by community partners and 165 pro bono volunteers, LCBH hosted 15 community-based clinics over the course of nine months to help tenants seal old eviction filing records. In an initiative undertaken in response to pandemic-era legislation that temporarily allowed sealing of eligible records, LCBH staff and volunteers assisted renters in their efforts to seal 1,058 records. With the lapse of this temporary legislation in August 2022, LCBH is joining allies to advocate for permanent legislation once again making it easier to seal eviction filing records.

**The project.** Between the fall of 2021 and summer of 2022, the Lawyers' Committee for Better Housing (LCBH) engaged in a largescale effort to help renters across Illinois seal old eviction filing records in response to a new, but temporary, Illinois state law, the COVID-19 Emergency Housing Act, which made it easier to seal eligible records. The sweeping impact of the "Sealing Project" was made possible thanks to inter-departmental collaboration at LCBH, dozens of volunteers, area law schools, and the invaluable support of Communities United and other community partners.



The Sealing Project hosted fifteen community-based clinics across Chicago, prioritizing community areas disproportionately affected by eviction. The effort utilized LCBH's innovative Rentervention program, a virtual platform for brief legal services that was modified to help volunteers quickly and easily fill out sealing motions. 253 renters were assisted at community-based clinics, and 421 renters were assisted in the Rentervention Virtual Clinic. The Sealing Project and its volunteers served more than **674 renters** from the Chicago area and beyond (a total of 24 counties), many of whom needed assistance with multiple records. In total, Rentervention's eviction sealing app assisted renters with **1,003 eviction cases**. At times, the clinics had waitlists of more than 400 people, demonstrating the immense need for this service. Over the same period, LCBH staff and interns appeared in court on behalf of another 55 tenants

in eviction sealing cases. DePaul University College of Law and the University of Illinois Chicago School of Law provided staffing support, including funding for interns.

Such far-reaching impact could not have been achieved without the help of LCBH's amazing pro bono volunteers. More than 160 volunteers were recruited from all facets of the legal industry—including law schools, Chicago area law firms, solo practitioners, and paralegals. Volunteers staffed both community-based clinics and the Rentervention Virtual Clinic. In addition to helping renters complete sealing motions, volunteers provided brief advice and resources to renters, who were themselves ultimately responsible for filing the motions and appearing in court. LCBH hopes to continue collecting data on the outcomes of those motions to better understand the project's long-term impact.

The project also succeeded thanks to LCBH's community organizing partner Communities United (CU). CU organizers connected with more than 5,800 households over the course of the project through phone-banking, in-person events, literature distribution, and social media. They shared information regarding the sealing clinics with residents of Chicago community areas with disproportionately high eviction rates, focusing heavily on Austin and Roseland. LCBH's partnership with CU was supported by Polk Bros. Foundation and the Illinois Criminal Justice Information Authority (ICJIA).

**The people.** Beyond the numbers, the profound impact of LCBH's eviction sealing clinics can be heard in the stories of individual renters.

After "Max" overcame unemployment, eviction, and homelessness 7 years ago, he thought the worst was over. Little did he know, even after leaving his apartment and paying his late fees and back rent, a barrier to decent housing would remain: his eviction record. "During the last couple of years, I've tried to find better housing, but I was denied because of that eviction," Max said. Determined to clear his record, Max signed up for an eviction sealing clinic where he was assisted by one of LCBH's legal interns. Today, Max's eviction record is sealed, and he can leave the "Scarlet E" of eviction behind. "This is a new beginning," Max said. "Now my eviction is sealed, and I can finally move forward."

Echoing Max's sentiments, one renter reported that having a pro bono volunteer draft the motion to seal her old eviction case and provide all the information needed to file was a "burden off her shoulders." Another renter shared a story that was, unfortunately, all too common at the clinics—she needed help sealing an eviction case she never knew existed until she applied to rent an apartment and was denied.

**The need for eviction record sealing.** Thousands of renters share experiences like these. Their public eviction records make it difficult to find housing, perpetuating cyclical poverty.<sup>1</sup> In Illinois, eviction filings remain on the public court record for *21 years* – much longer than comparable economic events.<sup>2</sup> An eviction filing record negatively affects one’s credit rating and stays on one’s credit record for 10 years in Illinois, making it harder to access loans and mortgages. Having an eviction record often makes finding future housing difficult and debts and lawsuits related to unpaid rent can follow people as they apply for jobs, take out insurance policies, apply for mortgages and more.<sup>3</sup> Locked out of the long-term rental market, renters may be forced to pay prices two to four times higher than their previous rent in short-term rentals, such as extended-stay hotels and motels.<sup>4</sup> They may also need to accept substandard housing or live in unsafe areas.<sup>5</sup> And most unfairly, filing remains on one’s record regardless of the outcome - *even if the case was dismissed or settled*.

Women and people of color are disproportionately impacted both by eviction and filing records. Before the pandemic, approximately 1 in 27 Chicago renter households faced eviction, but the rate in majority Black neighborhoods was 1 in 16 (*five times higher* than majority White neighborhoods).<sup>6</sup> Women are also disproportionately affected by eviction, making up more than half of defendants in eviction court.<sup>7</sup> This imbalance relates to the fact that women are more likely to be primary caregivers for their families, increasing their financial vulnerability.

Landlords routinely conduct background checks on renters applying for rental housing with the help of private, for-profit tenant screening companies.<sup>8</sup> These companies can easily access eviction court records via public court websites, which the companies use to generate their

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<sup>1</sup> 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.

<sup>2</sup> Circuit Court of Cook County, Illinois Manual on Recordkeeping, 2018, p. 39.

<sup>3</sup> Kiviat, Barbara and Greene, Sara, “Losing a Home Because of the Pandemic Is Hard Enough. How Long Should It Haunt You?” NEW YORK TIMES, January 7, 2021 <https://www.nytimes.com/2021/01/07/opinion/eviction-records-crisis.html>.

<sup>4</sup> Frazier, Mya, “When no landlord will rent to you, where do you go?” NEW YORK TIMES MAGAZINE, May 20, 2021. <https://www.nytimes.com/2021/05/20/magazine/extended-stay-hotels.html>.

<sup>5</sup> Desmond, Matthew & Kimbro, Rachel Tolbert. “Eviction’s Fallout: Housing, Hardship and Health,” Social Forces, Vol. 94, issue 1, Feb. 2015.

[https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015\\_2.pdf](https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf). Accessed August 17, 2022.

<sup>6</sup> Lawyers’ Committee for Better Housing, “Opening the Door on Chicago Evictions,” 2019.

<https://eviction.lcbh.org/sites/default/files/reports/chicago-evictions-1-ongoing-crisis.pdf> and Lawyers’ Committee for Better Housing, “2018-2019 Chicago Evictions Data Released.” 2020.

<https://eviction.lcbh.org/sites/default/files/reports/chicago-evictions-2018-2019-data-released.pdf>

<sup>7</sup> Hepburn, Peter; Louis, Renee; & Desmond, Matthew, “Racial & Gender Disparities among Evicted Americans,” Eviction Lab Project, 2020. <https://evictionlab.org/demographics-of-eviction/>. Accessed August 17<sup>th</sup>, 2022.

<sup>8</sup> Paula A. Franzese, “A Place to Call Home: Tenant Blacklisting and the Denial of Opportunity,” Fordham Urban Law Journal, Vol. 45, no. 3, 2018. <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2732&context=ulj> Accessed Aug. 17<sup>th</sup>, 2022.

reports.<sup>9</sup> The reports provide limited information, often showing only that a tenant was named in an eviction court proceeding.<sup>10</sup> Because no outcomes are reported, a renter may be disqualified based on the filing alone, even if they ultimately prevailed in the matter, if the parties settled the case resulting in dismissal, or if no judgment was ever entered against the renter.

Of the nearly 23,000 eviction cases brought in Chicago each year, it is estimated that *40% of cases filed do not result in an eviction order being entered against a tenant*. In some of those cases, the landlord may have decided to stop pursuing the matter or the parties resolved this issue without going to court. At least 15,000 renters each year end up with a public eviction court record *despite having no eviction order or other judgment against them*.<sup>11</sup>

The damage of eviction starts at filing. Regardless of how an eviction matter proceeds, tenant screening companies may already have record of the eviction under the tenant's name. Even worse, the process for a tenant to clear their rental record is frustrating and time-consuming, and usually involves contacting each respective tenant screening company that has a record of the prior eviction.

**Advocating for policy change.** LCBH played a critical role in the passage of the COVID-19 Emergency Housing Act, pandemic-era legislation intended to provide relief for renters that allowed the sealing of eligible past eviction records over a limited period. During the 2021 regular session of the Illinois General Assembly, LCBH participated in a coalition of housing advocates, including Housing Action Illinois and Shriver Center on Poverty Law, which helped draft and lobby for the passage of the bill. Championed by Assistant Majority Leader Delia Ramirez and Senate Majority Whip Omar Aquino, the bill included two sections specific to sealing. First, all eviction cases filed during the early pandemic period, which was defined as lasting from March 9, 2020, to March 31, 2022, would be automatically sealed at filing. Second, the legal standard for sealing old eviction cases was lowered. The prior standard was entirely discretionary, as well as conjunctive: a tenant had to meet all of three elements to have their case sealed, including one element showing that the case essentially had no legal basis. The new standard was mandatory and disjunctive, meaning if the tenant met even one of four elements, their case had to be sealed. The new standard replaced the old standard, but only until August 1, 2022.

Governor Pritzker signed the bill into law on May 17, 2021. Soon after, LCBH got to work on the Sealing Project, aiming to help as many tenants take advantage of the new law before its

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Lawyers' Committee for Better Housing and Housing Action Illinois, "Prejudged: The Stigma of Eviction Records," 2018. <https://eviction.lcbh.org/sites/default/files/reports/Prejudged-Eviction-Report-2018.pdf>

expiration as possible. Outside of the clinics, LCBH took on over fifty sealing matters for full representation, working hard to ensure the new and temporary sealing statute was properly applied in the courts. In one case resulting in a favorable Appellate Court ruling, LCBH and Westside Justice helped a survivor of domestic violence obtain a sealing order for an eviction from a property that she fled while exercising her Illinois Safe Homes Act rights.<sup>12</sup> The opinion upheld that sealing was mandatory, which LCBH thereafter cited in multiple motions.

With the lapse of the temporary sealing statute in August 2022, renters face the same high judicial standard as before to seal past eviction records. LCBH has re-engaged in coalition advocacy in favor of the passage of permanent sealing protections for renters. Such efforts face significant barriers, including steep opposition from the powerful realtors' lobby. LCBH hopes that the successes that renters have experienced over the last two years with the temporary sealing protections will be influential in helping this advocacy succeed, and in winning support from legislative and judicial allies.

The need for increased protections for renters around eviction record sealing has never been greater. Evictions are back to pre-pandemic levels.<sup>13</sup> Median rents across the U.S. are at an all-time high and continue to outstrip incomes.<sup>14</sup> Thousands more renters will continue to be pushed out of their homes, their future housing opportunities impeded by the lasting impact of an eviction record. Lawmakers can stop the cycle of eviction records forcing low-income renters of color further into poverty by enacting better sealing protections.

As LCBH client Max said, "housing is a human right, so why would you hold something over someone's head that is so far in the past? Whatever you all must do to make that change. I am all for it."

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<sup>12</sup> *Fernandez v. Smith*, et al, 2022 IL App (1st) 210728-U, ¶53, 56-58.

<sup>13</sup> Jane Vaughn, Cook County evictions are back to pre-pandemic levels, WBEZ, April 14, 2022, <https://www.wbez.org/stories/cook-county-evictions-are-back-to-pre-pandemic-levels/d40d42ee-3331-413f-8558-38d2f17a8521> Accessed Aug. 17<sup>th</sup>, 2022.

<sup>14</sup> Chris Arnold, Rents across U.S. rise above \$2,000 a month for the first time ever, NPR, June 9, 2022, <https://www.npr.org/2022/06/09/1103919413/rents-across-u-s-rise-above-2-000-a-month-for-the-first-time-ever> Accessed Aug. 17<sup>th</sup>, 2022.