

SUPPORT HB 4760: Impound Tenant Eviction Records with No Negative Judgments and with Obsolete Information

(Mah-Welch-Stratton, Hernandez, C. Mitchell, Lilly, Harper, Ammons, Smith, Guzzardi, Turner, Mayfield, Greenwood, Jones, Slaughter, Flowers, Evans, Davis and Riley)

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.
- Cases filed but not yet completed.

Many landlords purchase reports from tenant screening companies, which collect information from eviction courts and aggregate it with other publicly available data about tenants. Their recommendations are often based solely on the existence of an eviction case, regardless of context or outcome. Under current law, 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.

HB 4760 would protect tenants whose cases could eventually be sealed under current law and others from ever having the case come up in the public record. Under this proposed state law:

- Records of new eviction filings would be impounded, and court records would, with some exceptions, only be made available to the parties in the case.
- If the eviction case is decided against the tenant, the court record would generally be released to the public after 30 days.
- Certain other cases would remain permanently impounded, including the cases of tenants who are joined in an eviction action as part of a foreclosure case, a condominium association eviction against a tenant due to unpaid assessments by the owner and when both parties agree to impoundment.
- The ability for a judge to use their discretion to seal an eviction case after it has been in the public record would also be expanded beyond the current extremely strict standard.
- All eviction records filed after the law goes into effect would be sealed after 5 years.
- Courts would differentiate between evictions that are filed for-cause and not-for cause to assist in determining which cases remain permanently impounded.
- The dissemination of any information in an impounded or sealed court file by consumer reporting agencies, including tenant screening companies, and certain others would be prohibited, with remedies provided through a private right of action and state consumer fraud law.
- The ability for a landlord to collect money judgments is not impacted by this proposal.



A stronger Illinois begins at home



For more information, please contact:
Bob Palmer, Policy Director, Housing Action Illinois
312-939-6075 | bob@housingactionil.org