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**Written Testimony of Ariel Nelson,  
Staff Attorney at the National Consumer Law Center  
in Support of H.B. 6528**

**Before the Housing Committee of the Connecticut General Assembly,  
2021 Regular Session**

**March 4, 2021**

Dear Honorable Chairpersons McGee and Lopes, Vice Chairs Smith and Anwar, Ranking Members Polletta and Cicarella, and all other Members of the Housing Committee of the Connecticut General Assembly:

My name is Ariel Nelson and I am a staff attorney at the National Consumer Law Center (NCLC).<sup>1</sup> NCLC has long advocated for stronger laws and regulations to ensure accuracy and fairness in the credit and consumer reporting system. My work focuses on how inaccurate or misleading tenant screening and other background check reports result in consumers being denied housing and jobs. I write in support of H.B. 6528.

Today, to rent an apartment or a house, you almost always have to pass a background check. These checks typically involve review of an applicant's credit, criminal, and rental history, and about 85% of landlords review eviction information.<sup>2</sup> Landlords often automatically reject applicants with a prior eviction record, regardless of the outcome, context, how long ago the case was filed, or whether the case was based on unlawful

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<sup>1</sup> The National Consumer Law Center (NCLC) is a nonprofit organization specializing in consumer issues on behalf of low-income people. We work with thousands of legal services, government and private attorneys, as well as community groups and organizations, from all states who represent low-income and elderly individuals on consumer issues. As a result of our daily contact with these advocates, we have seen many examples of the damage wrought by abuses from consumer reporting agencies from every part of the nation. It is from this vantage point that we supply this testimony. *Fair Credit Reporting* (9th ed. 2017) is one of the twenty-one practice treatises that NCLC publishes and annually supplements.

<sup>2</sup> ARIEL NELSON, NAT'L CONSUMER LAW CTR., [BROKEN RECORDS REDUX: HOW ERRORS BY CRIMINAL BACKGROUND CHECK COMPANIES CONTINUE TO HARM CONSUMERS SEEKING JOBS AND HOUSING](#) 9 (Dec. 2019); [TransUnion Independent Landlord Survey Insights](#), TRANSUNION SMARTMOVE (Aug. 7, 2017).

grounds.<sup>3</sup> Simply being named in eviction case can therefore lock people out of housing, trapping them in “dangerous cycles of poverty and instability.”<sup>4</sup>

In many states, including Connecticut, housing court records are easily accessible online, making it hard for tenants to ever escape a past eviction.<sup>5</sup> Some landlords go directly to the court’s online database to see whether a prospective tenant was previously named in an eviction lawsuit. Many others purchase reports from specialized tenant screening companies,<sup>6</sup> which often scrape information, including the name of the landlord, the name of the tenant, and the property address, from online court databases or buy that information from a data broker.<sup>7</sup> Under the federal Fair Credit Reporting Act, tenant screening companies are only supposed to report eviction records for seven years,<sup>8</sup> but in many places the records continue to be available online without any time limit.

Housing court records typically lack key details and can be difficult to interpret.<sup>9</sup> Princeton’s Eviction Lab, which examined more than 3.6 million eviction court records from 12 states, found that, on average, 22% of eviction records contain “ambiguous information on how the case was resolved or falsely represent a tenant’s eviction history.”<sup>10</sup>

Eviction records also lack the type of personal identifying information, like Social Security Numbers and dates of birth, that are critical for accurately matching court records with the correct consumer. The Big Three nationwide credit bureaus (Equifax, Experian, and TransUnion) have actually stopped reporting civil judgments on credit reports because they lack these identifiers. Such problems with housing court records have not stopped tenant screening companies from reporting them, however.<sup>11</sup>

Even before the COVID-19 economic crisis—which has intensified the threat of eviction—eviction rates were higher for Black and Latinx people, as well as mothers and their

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<sup>3</sup> Sophie Beiers, Sandra Park, & Linda Morris, [Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color](#), ACLU (Jan. 10, 2020); HOUSING ACTION ILLINOIS & LAWYERS’ COMM. FOR BETTER HOUSING, [PREJUDGED: THE STIGMA OF EVICTION RECORDS](#) 7 (2018).

<sup>4</sup> See CMTY. LEGAL SERVS. OF PHILA., [BREAKING THE RECORD: DISMANTLING THE BARRIERS EVICTION RECORDS PLACE ON HOUSING OPPORTUNITIES](#) 1 (2020).

<sup>5</sup> See, e.g., Annette Duke & Andrea Park, [Court database shouldn’t be landlord screening tool](#), COMMONWEALTH (July 18, 2019).

<sup>6</sup> These companies are part of the multi-billion-dollar commercial background screening industry. CONSUMER FIN. PROT. BUREAU, [MARKET SNAPSHOT: BACKGROUND SCREENING REPORTS](#) 4 (2019).

<sup>7</sup> Lauren Kirchner, [Data Brokers May Report COVID-19-Related Evictions for Years](#), THE MARKUP (Aug 4, 2020).

<sup>8</sup> 15 U.S.C. § 1681c.

<sup>9</sup> MASS. LAW REFORM INST., [EVICTED FOR LIFE: HOW EVICTION COURT RECORDS ARE CREATING A NEW BARRIER TO HOUSING](#) 4 (2019).

<sup>10</sup> Adam Porton, Ashley Gromis, & Matthew Desmond, [Inaccuracies in Eviction Records: Implications for Renters and Researchers](#), HOUSING POLICY DEBATE (2020). This study included Connecticut, but the researchers were only able to analyze 18.13% of Connecticut data. Based on that data, the researchers determined that 7.40% of eviction records in Connecticut contain inaccuracies. *Id.*

<sup>11</sup> Lauren Kirchner & Matthew Goldstein, [How Automated Background Checks Freeze Out Renters](#), N.Y. TIMES (May 28, 2020).

children.<sup>12</sup> As a result, these communities are disproportionately affected by landlords' use of background checks and blanket policies that exclude applicants with eviction records.<sup>13</sup>

The COVID-19 economic crisis makes it more critical than ever to prevent eviction records from being used as an automatic and potentially indefinite barrier to rental housing. Struggling U.S. households—around 11.4 million tenants—now owe around three-and-a-half months' rent on average.<sup>14</sup> As a result, once the federal and state eviction moratoriums expire, more people than ever, and Black and Latinx renters in particular,<sup>15</sup> will likely end up with eviction records.<sup>16</sup>

H.B. 6528 would require that the online docket of each summary process (eviction) action be sealed upon filing and unsealed only under certain circumstances, such as when a judgment is entered in favor of a landlord after trial in a “fault” eviction case (when the landlord proves that the tenant gave cause for the eviction). It would also prohibit landlords from rejecting potential tenants on the basis that they were involved in a past or pending summary process action unless the action has been unsealed. These changes to the visibility of eviction records would be a significant step toward helping tenants access safe and affordable housing and reducing the long-term consequences of evictions that occur during and in the wake of the pandemic.

I thank you for considering this important legislation and ask that you vote in favor of H.B. 6528.

Sincerely,



Ariel Nelson  
Staff Attorney  
National Consumer Law Center

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<sup>12</sup> Katy O'Donnell & Janaki Chadha, [‘The most lopsided economic event imaginable’: Wave of evictions threatens Black, Latino Tenants](#), POLITICO (Dec. 15, 2020); EMILY BENFER ET AL., [THE COVID-19 EVICTION CRISIS: AN ESTIMATED 30–40 MILLION PEOPLE IN AMERICA ARE AT RISK](#) 3 (2020).

<sup>13</sup> See CMTY. LEGAL SERVS. OF PHILA., *supra* note 4, at 2; see also NAT’L CONSUMER LAW CTR., [SALT IN THE WOUND: HOW EVICTION RECORDS AND BACK RENT HAUNT TENANT SCREENING REPORTS AND CREDIT SCORES](#) (2020); NELSON, *supra* note 2, at 7–8 & nn. 30–32.

<sup>14</sup> Kriston Capps, [U.S. Renters Could Owe \\$70 Billion](#), BLOOMBERG CITYLAB (Dec. 10, 2020).

<sup>15</sup> CONSUMER FIN. PROT. BUREAU, [HOUSING INSECURITY AND THE COVID-19 PANDEMIC](#) 15 (2021) (“As of December 2020, 9 percent of renters reported that it is likely they will be evicted in the next two months, with rates highest and Hispanic Renters . . . . Since Black and Hispanic households are more than twice as likely to be renters than white households, an eviction crisis would fall hardest on communities of color.”).

<sup>16</sup> See CMTY. LEGAL SERVS. OF PHILA., *supra* note 4, at 5–8, 16.