

The Long-Lasting Impact of Eviction Records

How Eviction Records Can Keep Youth Locked Out of Housing for Years



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About Texas Appleseed

Texas Appleseed is a public interest justice center that works to change unjust laws and policies that prevent Texans from realizing their full potential. Our nonprofit conducts data-driven research that uncovers inequity in laws and policies and identifies solutions for lasting, concrete change. For more information, visit www.TexasAppleseed.org.

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Youth and Eviction Records

Some young people's lack of support systems and vulnerability to financial stress put them at particular risk of being evicted. Also, due to inexperience or the lack of present adults in their lives, many young adults may not understand the legal terms in a lease or do not realize the rigidity of a lease's conditions.¹ Some housing experts who represent young people facing eviction stated that young adults unknowingly break their lease terms by allowing their friends to couch surf, or by vacating early without notice, not realizing they still owe rent for the term of the lease.² Young people might also have volatile relationships with roommates with whom they signed a lease out of necessity, for example, to lower their rent. They also may have roommates who violate the terms of the lease, resulting in their own eviction. These age-related factors put them at risk of being evicted and potentially experiencing homelessness.

On top of these risk factors, the poverty rate is highest among young adults in the 18-24 age bracket.³ Entry-level or hourly jobs held by most young people do not pay a living wage. For young people working in entry-level positions or pursuing an education, the costs of living can quickly add up, leaving them living paycheck to paycheck and without any savings to fall back on.⁴ Of tenants facing an eviction in the United States, women are more likely than men to be named as defendants in eviction proceedings, and Black women with children are more likely than any other group to face eviction.⁵ Disabled people, undocumented people, and formerly incarcerated people all face higher rates of eviction as well.

An eviction proceeding is a hardship young adults may face, usually without legal representation,⁶ that leaves them without a secure place to live. They may not have another place to stay and end up in a homeless shelter or couch surfing with friends. To make matters worse, in Texas, that young person may be effectively barred from renting a new apartment for years after that eviction. As one article noted, “[w]hile evictions push people from their homes, records of those evictions can effectively banish people from civil society.”⁷ Tenant advocates call these eviction filings a “Scarlet E” because they essentially mark someone as a risk, one that landlords may avoid taking regardless of the outcome, context, or how long ago the eviction case was filed.⁸ In essence, landlords assume potential tenants are “risks” due to an eviction filing, even if that is not the case. Young people are just beginning to live on their own; an eviction filing can set them up for a long trajectory of housing instability.

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- 1 Texas Appleseed, Interviews with housing lawyers who help young people experiencing homelessness (Summer 2021).
 - 2 *Id.* The unique needs of young people outlined here are reinforced by Washington's pilot [Young Adult Eviction Prevention Project](#), where young adults' needs are centered on financial literacy, the leasing process, and managing challenging interactions with their landlords. With respect to eviction, young people lacked accessible legal support and stressed the need for holistic eviction support to prevent them from facing eviction all together.
 - 3 Hawkins, James, *The Rise of Young Adult Poverty in the U.S.*, Goldman School of Public Policy Issue Brief (Jun. 2019), available at https://gspp.berkeley.edu/assets/uploads/page/poverty_FINAL_formatted.pdf.
 - 4 The general rule to determine a housing budget (though some consider it outdated) is to spend no more than 30% of monthly income on rent. Currently, the median gross rent in Texas (2015-2019): \$1,045 ([US Census, quick facts](#)). Accounting for [utilities](#) and [average monthly earnings](#) of a young adult aged 16-24, rent and utilities end up at around 58% of a young person's monthly income.
 - 5 Sabbath, Kathryn A., *Erasing the 'Scarlet E' of Eviction Records*, *The Appeal* (Apr. 21, 2021), available at <https://theappeal.org/the-lab-report/erasing-the-scarlet-e-of-eviction-records/>.
 - 6 Desmond, Matthew, *Unaffordable America: Poverty, housing, and eviction*, *Fast Focus* 22 (2015): 1–6, available at <https://www.irp.wisc.edu/publications/fastfocus/pdfs/FF22-2015.pdf>.
 - 7 *Id.*
 - 8 Goldstein, Matthew, *The Stigma of a Scarlet E*, *The New York Times* (Aug. 9, 2021), available at <https://www.nytimes.com/2021/08/09/business/eviction-stigma-scarlet-e.html>.

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One thing I have learned is to be real with my clients. I tell them that as soon as the eviction case is filed, the damage is done. A simple filing of a case triggers all of the negative repercussions.

– Housing Attorney at the Earl
Carl Institute

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One limitation in Texas is the lack of data around evictions. Currently, one cannot see how many suits are filed nor the outcomes of these suits. The only information available is the total number of landlord/tenant cases filed in general throughout the state, which does not provide a full picture of eviction cases and their outcomes. From anecdotal evidence from legal counsel, as well as from JPs, it is clear that renters most often do not have counsel, nor are they successful in the majority of eviction cases that are filed against them.

Some Texas legislators have recognized the need for renters not to be haunted by eviction ghosts of the past for years

on end. In 2021, a bill was filed that would have made evictions related to the COVID-19 pandemic confidential, but though it passed the House, it failed to be considered in the Senate.⁹ In addition, a bill allowing for the sealing of eviction records in some instances (similar to an Oregon law detailed later) was filed by Representative Wu in 2021 but was left pending in committee.¹⁰ These bills followed a 2017 effort to amend Chapter 24 of the Texas Property Code by adding a new Section, 24.012, which would have permitted the expunction of records in residential eviction suits.¹¹ This bill also failed passage.

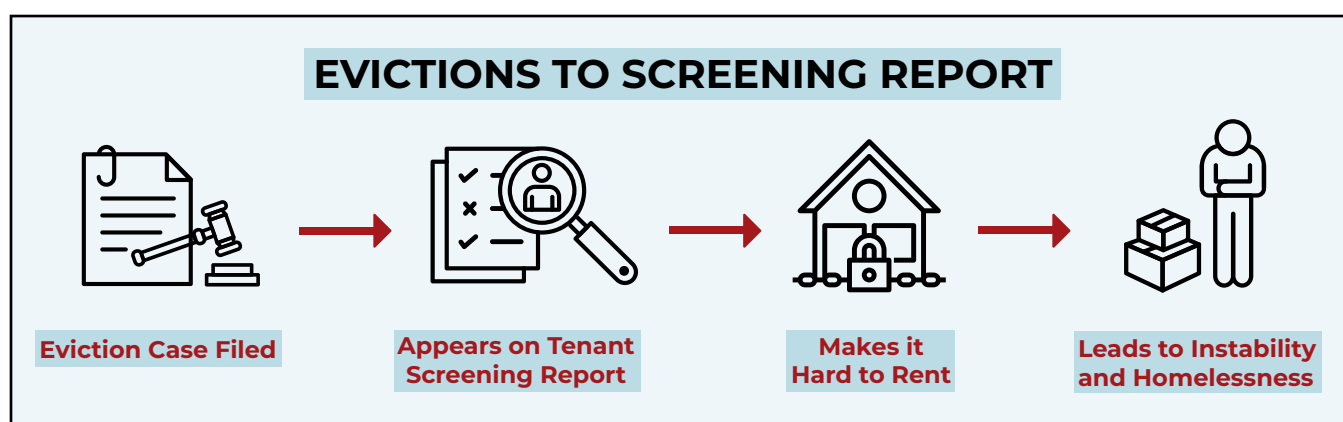
9 Texas Legislature Online, HB 1647 (87th Reg. Session 2021), available at <https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=87R&Bill=HB1647>.

10 Texas Legislature Online, HB 3903 (87th Reg. Session 2021), available at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=87R&Bill=HB3903>.

11 Texas Legislature Online, HB 1097 (85th Reg. Session 2017) <https://capitol.texas.gov/tlodocs/85R/billtext/pdf/HB01097L.pdf#navpanes=0>.

The Problem: Eviction Records Stick Around Forever in Texas

An eviction [doesn't directly affect your credit score](#) or credit report, but it will likely appear on a tenant screening report, making it harder for you to rent an apartment in the future. Potential landlords can purchase reports from third-party tenant screening companies to see if someone has had an eviction case filed against them.¹² In Texas, landlords cannot always see who won the case or why a tenant was evicted. For example, the report may not state whether a tenant was evicted in retaliation for asking for repairs or as a result of a domestic violence situation.¹³ Even if the tenant won the case or the landlord dismissed it, the sole fact that a case was filed can affect future access to housing. Debts potentially associated with an eviction, such as unpaid rent or court fees, can show up on your credit report and lower your credit score.¹⁴



Landlords can search county court databases to see if there have been cases filed against someone, and unless these records have been sealed or expunged by the court, they are viewable. Most landlords (some experts estimate around 85%) use third-party tenant screening companies such as SafeRent Solutions or RealPage to pull records from multiple courts and counties at once. These third-party screening companies are considered specialty consumer reporting agencies and are governed by a federal law called the [Fair Credit Reporting Act \(FCRA\)](#). Under the FCRA, evictions can remain on renters' tenant screening records for a maximum of seven years.¹⁵ These screening reports include credit histories, rental/tenant history, eviction filings, as well as other information that consumer reporting agencies compile for landlords or other interested parties to review before approving a new tenant. Reporting agencies often just return a thumbs-up or a thumbs-down after a simple name search, meaning a landlord may not even know exactly why the applicant's report had a red flag or what happened in the case. A landlord may assume the tenant was evicted, even if the tenant won the case or the case was dismissed.

Under the Fair Credit Reporting Act, eviction records older than seven years are considered “outdated” and cannot be reported by third-party screening companies to landlords, though experts suggest

¹² Kimble, Megan, *The Blacklist: Screened out by automated background checks, tenants who face eviction can be denied housing for years to come*, Texas Observer (Dec. 9, 2020), available at <https://www.texasobserver.org/evictions-texas-housing/>.

¹³ *Id.*

¹⁴ National Consumer Law Center, *Assisting Consumers with Rental Debt During COVID-19: Legal Aid and Non-Profit Attorneys Share Their Experiences*, available at https://www.nclc.org/images/pdf/credit_reports/Rental-Debt-Survey-Issue-Brief.pdf (2020).

¹⁵ 15 U.S. Code § 1681c.

that this mandate is “largely unregulated.”¹⁶ However, in Texas, these court records remain public and searchable forever, so it may be the case that landlords can search these databases themselves. In addition, landlords can also use free record-search websites to search applicants (some of these may be credit reporting agencies and required to comply with the FCRA).

The Federal Trade Commission (FTC) and the Consumer Financial Protection Bureau (CFPB) have brought actions enforcing the FCRA against these specialty credit reporting agencies, but it does not seem to have changed the reporting of outdated information. One expert surmised that to these businesses, enforcement actions are not enough of a deterrent and they might just consider it a cost of doing business.¹⁷ Because of the difficulty of monitoring and enforcing FCRA provisions, there are likely instances when landlords use unlawfully reported information to deny a tenant housing. However, when that happens, landlords can just cite another reason for denying housing.

It is worth mentioning that state agencies can enforce some FCRA violations. Under 15 USC § 1681s(C), state agencies can investigate and bring enforcement actions against credit reporting agencies, furnishers, and other regulated persons under the FCRA.¹⁸ However, state agencies must confer with the CFPB and the FTC while also permitting participation from these federal agencies in any FCRA suit they file. State agencies must first pursue injunctive relief, and monetary damages are limited to breaches of injunctions, taking away some of the potency of their enforcement actions.¹⁹

Finally, the FCRA has some private rights of action where persons can bring suit, but the person must prove actual damages as a result of the violation, which require negligent noncompliance. Recent law has made the bar quite high for consumers in alleging violations in court to the FCRA against companies; they must have suffered a concrete, particularized harm.²⁰



If I can google your name and I can see you have a pending case, it makes it difficult to find a place to live and you don't get the chance to explain the situation . . . it is like a scarlet letter.

– Housing Attorney at the Earl Carl Institute



16 Kimble, Megan, *The Blacklist: Screened out by automated background checks, tenants who face eviction can be denied housing for years to come*, Texas Observer (Dec. 9, 2020), available at <https://www.texasobserver.org/evictions-texas-housing/>.

17 Conversation with NCLC expert on the FCRA (Fall 2021).

18 National Law Review, *State Agencies Can Enforce FCRA Too* (Dec. 18, 2018), available at <https://www.natlawreview.com/article/state-agencies-can-enforce-fcra-too>. This includes a broad range of relief, including injunctive relief, actual damages, statutory damages, and attorney fees.

19 *Id.*

20 American Bar Association, *The Fair Credit Reporting Act: Not Just About Credit* (Jun. 20, 2016) (citing *Spokeo, Inc. v. Robins*, 194 L. Ed. 2d 635 (2016)), available at https://www.americanbar.org/groups/business_law/publications/blt/2016/06/13_anthony/; see also *Ramirez v. TransUnion*, 594 U.S. ___ (2021).

The Requirements and Limits of the Fair Credit Reporting Act

The FCRA governs the consumer reports (often provided by tenant screening companies) that landlords can use to make a decision regarding whether to rent to a tenant. When a landlord uses these reports, they must comply with certain provisions.²¹ Tenant screening companies must comply with the FCRA as well. While all of these protections are impactful, they have holes which can cause problems for prospective tenants with any record of an eviction or eviction action, even if they were never evicted. This section goes into more detail about what protections are provided by the FCRA and where the gaps are.²²

- **No Reporting of Outdated Information:** As noted earlier, a tenant screening company may not report eviction records older than seven years.²³
- **Permissible Purpose:** Under the FCRA, users of consumer information, in this case landlords, must first have a permissible purpose under the FCRA to obtain a consumer report.²⁴ In the case of prospective tenants, the purpose is typically the consideration of the rental application; however, the landlord may also obtain the prospective tenant's written permission.²⁵
- **Reasonable Procedures to Ensure “Maximum Possible Accuracy”:**²⁶ When a tenant screening company provides a report on a prospective tenant, the FCRA requires it to follow “reasonable procedures” to assure “maximum possible accuracy” of the information concerning the individual. They also must ensure that such information is provided to only proper users. But reasonable procedures do not translate to 100 percent accuracy, and the appearance of one inaccuracy on a report may not be enough for a violation of the FCRA.²⁷ RentSpree, a national tenant screening company, lists some examples of violations of the FCRA on its website. For example, listing the same lawsuit multiple times is a violation since it gives the appearance of numerous lawsuits, and including a “litigation pending” notice in a report where the consumer has initiated the lawsuit is also a violation.²⁸ Misattribution is another issue, where the screening company may attribute someone else's eviction records to the applicant — something that happens with some frequency because eviction records contain so little information. Reporting a sealed or expunged eviction record also violates the FCRA under Section 1681e(b). This provision of the FCRA contains a private right of action, meaning a prospective tenant can sue a tenant screening company.

21 Landlords can only obtain a consumer report if they have a permissible purpose, which requires the permission of applicants or tenants. See Federal Trade Commission, *Using Consumer Reports: What Landlords Need to Know*, available at <https://www.ftc.gov/tips-advice/business-center/guidance/using-consumer-reports-what-landlords-need-know>.

22 See 15 USCA § 1681e.

23 Tenants may also sue for violations of this provision. 1681(c).

24 The American Bar Association, *The Fair Credit Reporting Act: Not Just About Credit* (Jun. 20, 2016), available at https://www.americanbar.org/groups/business_law/publications/blt/2016/06/13_anthony/.

25 Consumer Financial Protection Bureau, *What should I know about tenant screening when applying for rental housing?* (Jul. 1, 2021), available at <https://www.consumerfinance.gov/ask-cfpb/what-should-i-know-about-tenant-screening-when-applying-for-rental-housing-en-2103/>.

26 See 15 USCA § 1681e(a).

27 National Consumer Law Center, *Broken Records Redux: How Errors by Criminal Background Check Companies Continue to Harm Consumers Seeking Jobs and Housing* 26 (Dec. 2019), available at <https://www.nclc.org/images/pdf/criminal-justice/report-broken-records-redux.pdf>.

28 RentSpree, *FCRA Accuracy and Reasonable Procedures*, available at <https://www.rentspree.com/learn/fair-credit-reporting-act-fcra/fcra-accuracy-reasonable-procedures/>.

- **Adverse Action Notification:** Landlords who deny tenants housing are required to provide them with adverse action notices. These notices must include the name and contact information of the entity that provided the background check or screening on which the adverse action is based, a statement that the entity did not make the decision and cannot provide them with further information, and a notification that the applicant is entitled to a free copy of the report on which the adverse action was based within 60 days of the adverse action notification. Adverse action notices are also required if a tenant is accepted but the landlord is charging a higher deposit or requiring a co-signer due to information obtained from the tenant screening company. These notices do not have to say why a tenant was denied specifically, just the report on which the denial was based. This provision does not contain a private right of action (some other provisions of the FCRA do).

Preemption Under the FCRA

The federal FCRA can override or “preempt” certain state laws governing consumer reports. At a minimum, states and localities cannot pass laws that are more lax than the FCRA (i.e., they cannot permit practices prohibited by the FCRA). More critically, the FCRA includes express preemption provisions that prohibit states from regulating some, but not all, practices governed by the FCRA. FCRA express preemption is complicated and in some cases, courts have different interpretations of it.

In particular, 15 U.S.C. § 1681t(b) provides that “[n]o requirement or prohibition may be imposed under the laws of any State” with respect to five different areas, including the “subject matter regulated by” certain specific FCRA provisions. State laws that could be preempted include laws related to the prescreening of consumer reports, the time by which a screening agency must investigate a dispute, and the duties of a person who takes an adverse action based on a consumer report. Advocates should exercise caution when crafting bills that would limit the ability of consumer reporting agencies, including tenant screening companies, to report certain information; such bills likely will face preemption arguments. **The recommendations contained in this paper are specifically designed with the FCRA’s preemption scheme in mind.**

What Other Jurisdictions Are Doing

The problem of eviction records haunting renters isn't unique to Texas. In response to eviction records sticking around too long, some other states, and even some cities, have implemented policies to seal or expunge eviction records. In addition, some states have tried to curb evictions in the first place by guaranteeing tenants a right to counsel in eviction proceedings. Still others have strengthened the regulation of eviction information so tenants are not left in the dark when their housing application is denied. All of these policies must be consistent with the FCRA. Following are some examples of policies from other jurisdictions regarding eviction records.

Expungement and Sealing of Eviction Records



Some states have passed laws or policies allowing renters to seal and expunge records; however, at times these laws can be quite limited in their scope and therefore leave many tenants without the ability to seal court records, often regardless of the outcome of the case. The sealing and expungement of records can remove a huge barrier for people and make it possible for them to find stable housing.²⁹

Nevada's sealing laws, passed in 2017, account for certain outcomes of the proceeding, even requiring automatic sealing in two scenarios: Evictions are to be sealed automatically if the tenant's summary eviction was denied or dismissed by the judge or if the tenant files an affidavit under Nevada Law at the beginning of the eviction action and the landlord does not respond within 31 days.³⁰ The court has discretion to seal an eviction record in the following instances as well: If a written stipulation is filed by the landlord and tenant to set aside the eviction order; if the court finds the tenant's motion should be set aside under Rule 60 of Nevada civil procedure³¹ which covers mistakes, fraud, improper service, omission, etc.; or if sealing the eviction record is in the interests of justice and those interests are not outweighed by the public's interest in knowing. The court is tasked with considering whether the circumstances were beyond the tenant's control, any other extenuating circumstances, and the amount of time that has passed since the eviction order was granted.³² Nevada does include a filing fee, unlike the Oregon law outlined next.

In 2019, Oregon law allowed for the sealing of eviction records if the original judgment is at least five years old and the order was one of restitution that has been paid, the judgment was stipulated by both parties and the tenant has complied with the stipulation, or the case was dismissed in favor of the tenant.³³ The tenant will file a motion and serve it to the plaintiff in the suit. If the plaintiff objects within 30 days, the court will schedule a hearing.

In 2017, California passed a law that allowed for all eviction actions to be automatically and permanently sealed within 60 days of a complaint's filing or within 60 days of when a default

29 Center for American Progress, *Eviction Record Expungement Can Remove Barriers to Stable Housing* (Sep. 30, 2021), available at <https://www.americanprogress.org/article/eviction-record-expungement-can-remove-barriers-stable-housing/>.

30 40 NRS §§40.253,40.254, available at <https://www.leg.state.nv.us/nrs/nrs-040.html#NRS040Sec253>.

31 Nevada Justice Courts Rule of Civil Procedure 60, available at <https://www.leg.state.nv.us/courtrules/JCRCP.html>.

32 Nevada Assembly, Assembly Bill No. 107 (79th Session 2017), available at https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB107_EN.pdf.

33 Oregon Legislature, Senate Bill 873 (80th Leg. Assembly 2019), available at <https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/SB873/Enrolled>.

judgment is set aside, unless the landlord prevails at trial.³⁴ While a step in the right direction, in Texas, most of the time landlords prevail at trial so California’s law would not help the majority of renters with an eviction record. Similarly, in Illinois as well as in Minnesota, the sealing of eviction cases is limited to when a judge finds there is no basis in fact or law, it is in the interest of justice, and those interests aren’t outweighed by the public’s interest in the record.³⁵ In addition, Illinois has some time restrictions surrounding the sealing of records, requiring that a motion to seal court records is filed within 30 days of going to court but providing that a judge can seal a court record up to two years later.³⁶ This timeframe is short for many tenants and does not solve the issues with records living past the seven-year FCRA limit, nor does it allow for the sealing of cases that are dismissed. Illinois expanded when eviction records could be sealed during COVID-19 to help struggling tenants, but the modifications expire in August 2022.³⁷

Ohio state law does not govern the sealing of eviction cases; judges have discretion regarding the sealing of eviction case records.³⁸ In 2018, Cleveland, Ohio, set forth rules to make it easier to request a sealed eviction record through a motion. The court must find that sealing the record is in the interest of justice and outweighs government and public interest in having the record available. An eviction record can be sealed right away if the case is dismissed by the court, if the tenant prevailed or if sealing the case is part of a settlement agreement, or if the landlord agrees in writing.³⁹ If an eviction was granted, a case can be sealed if five years have passed since the tenant last had an eviction granted against them in Cleveland or any court and they demonstrate that “extenuating circumstances” led to the eviction. The court also may consider whether the tenant paid any money owed under previous eviction judgments or settlements. Records can be “unsealed” if the need is demonstrated and would still be available to the landlord and tenant involved.

Ensuring Transparency in Eviction Screening



In 2021, Philadelphia council members amended the city code under the Renters’ Access Act, which prohibits landlords from denying housing based solely on eviction records and requires them to inform tenants regarding why they were denied.⁴⁰ Landlords must also provide written rental screening criteria to prospective tenants so they understand the process. In addition, the law bars landlords from denying a tenant solely because of credit scores or an eviction record older than four years. They also prohibit denying a tenant housing because of their inability to pay rent or utility bills during the COVID-19 emergency period.

34 California Code of Civil Procedure §§1161.2 and 1167.1, available at <https://www.efilinghelp.com/california/california-seals-all-limited-unlawful-detainers/>.

35 Illinois Code of Civil Procedure 735 ILCS 5/§9-121, available at <https://ilga.gov/legislation/ilcs/ilcs4.asp?DocName=073500050HArt.+IX+Pt.+2&ActID=2017&ChapterID=56&SeqStart=69900000&SeqEnd=72100000>; Minnesota Statute 484.014 (2020), available at <https://www.revisor.mn.gov/statutes/cite/484.014>.

36 Illinois Legal Aid, *Removing an eviction case from my record*, available at <https://www.illinoislegalaid.org/legal-information/removing-eviction-case-my-record>.

37 *Id.*

38 Dissell, Rachel, *Cleveland Housing Court sets new rules to make requests to seal evictions easier*, (Dec. 30, 2018), available at <https://apnews.com/article/9eee441cb1f342819932faee21db5e4a>.

39 *Id.*

40 Allen, Taylor, *Aiming to ‘protect renters’, Philly Council limits landlords’ use of eviction records*, WHYY Public Radio (Jun. 24, 2021), available at <https://why.org/articles/aiming-to-protect-renters-philly-council-limits-landlords-use-of-eviction-records/>.

Right to Counsel in Eviction Proceedings



In 2019, the Colorado General Assembly established an eviction legal defense fund from which grants are provided to nonprofit organizations representing indigent defendants in eviction proceedings. The original allocation for this legal defense was \$750,000. The goal of the fund is to expand the availability of legal assistance to tenants facing eviction or who are at immediate risk of eviction.⁴¹ In 2019, Philadelphia also enacted a right to counsel for anyone facing eviction who earns income at 200% or less of the federal poverty level.⁴² The right to counsel in the city is being phased in over the next five years.

41 Colorado Judicial Branch, *Indigent Legal Defense Fund*, available at <https://www.courts.state.co.us/Administration/Unit.cfm?Unit=eldf>; see also Co. Gen. Assembly SB19-180, available at <https://leg.colorado.gov/bills/sb19-180>.

42 Steve Volk and Julie Christie, *Philadelphia renters forced to deal with major issues—or risk evictions*, Phil. Weekly (Dec. 18, 2019), available at <https://whyy.org/articles/philadelphia-renters-dealing-with-major-issues-forced-to-lie-down-and-take-it-or-risk-eviction/>.

Recommendations

We recommend that Texas implement policies to limit the impact of an eviction filing. The best way to ensure that excessive eviction filings across the state don't result in countless eviction records would be to implement policies simultaneously that allow for sealing but also for the representation of tenants in court. For example, sealing eviction court records after a number of years for a successful eviction (landlord wins) and immediately for a failed eviction (tenant wins), would be a good start. Guaranteeing a right to counsel in an eviction case in addition to the record-sealing policy would increase the likelihood of a tenant winning their eviction case, and thus increase the number of immediately sealed records. Strengthening the regulation of eviction information in addition to these policies would further improve housing security for those whose eviction records are unlawfully used to deny housing.

The following recommendations would help to ensure that the filing of an eviction suit does not become a barrier to secure housing for a lifetime.

Recommendations to Expunge and Seal Eviction Filings and Records to Prevent a Scarlet E:⁴³ These recommendations would require action by the state legislature.

- Exclude pending eviction cases from public view, essentially sealing them automatically upon their filing, and only allow unsealing under certain circumstances — for instance, if the tenant is at fault. This system could also be automated.
- Give judges discretion to immediately seal and expunge eviction cases where the tenant is not at fault or where the case is dismissed. This discretion would allow for judges to prevent evictions where a tenant prevails from staining the tenant's records.
- Allow judges to seal and expunge eviction records in Texas after one year. There could also be a shorter time frame for specific groups of people, such as young people. This option is not as impactful since the record would already have circulated, making it harder for a person to rent subsequently.

Recommendations to Ensure Landlords are not Denying People Solely Based on Eviction Filings: These recommendations could be enacted by the legislature or at the city or county level.

- Prevent landlords from using evictions in rental application screenings, and if they deny housing to qualified applicants, require them to state their reasons in writing.
- Require that landlords review the underlying report produced by the tenant screening company before making a housing decision so they do not adopt the background screener's score or eligibility.
- Enact and enforce a penalty against landlords who file discriminatory or retaliatory evictions.

⁴³ The three options are in descending order of impact.

Conclusion

Our recommendations, if implemented, would provide necessary support for tenants after an eviction, but housing support and policies in Texas must also improve front-end services to meet these particular needs as well. Eviction records are often barriers to stable housing, making it harder for young people to find and keep employment and putting their health at risk. Eviction records also increase food insecurity and perpetuate cycles of poverty and hardship. Texas can do more to protect tenants from the hardship of evictions by increasing affordable housing, investing in social programs, creating more jobs with living wages, and providing tenants who face evictions with legal representation. Eviction prevention should be given as much time, effort, and resources as eviction record-sealing. These recommendations are designed to reduce the impact of eviction records and ensure that one bad experience with a landlord does not banish someone indefinitely from safe, secure housing.