



Maine Equal Justice

People Policy Solutions

Prevent Tenant Blacklists from Coming to Maine

The benefits of moving court records online shouldn't come at the expense of housing, employment, and credit opportunities for low-income Mainers.

Studies show that many landlords mistakenly look at the existence of an eviction record as evidence of wrongdoing, regardless of the basis or the legal outcome.[1] This creates **unfair barriers to housing**, and the experience of other states shows us that the problem will quickly grow when Maine's court records become available online.[2]

Online court records can become a "free tenant screening tool" to landlords who **deny applicants** simply because their name appears on a court filing, **without understanding the context or outcome of the case**. In other states, this has caused tenants to be rejected by landlords over and over, effectively barring them from the rental market, and increasing their risk of homelessness. This is often called a **tenant blacklist**. [3]

The **stigma of prior eviction filings** disproportionately harms tenants who are people of color. According to Pine Tree Legal Assistance, tenants of color disproportionately face eviction filings in Maine. This reflects nationwide data documenting that the practice of denying housing based on prior eviction filings **disproportionately harms people of color**, specifically Black women.[4]

Renters need protection from unfair practices

Finding an **affordable place to live** has become extremely difficult in Maine, and the pandemic has only made it harder. When tenants receive an eviction notice, for whatever reason, most cannot simply move to another apartment and must use their best effort to continue to remain housed in place for as long as possible. Many people **become homeless** just because they cannot find a landlord who will rent to them. LD 913's simple data protections will ensure that **online court records** don't unfairly prevent Mainers from finding housing.



LD 913 will protect Mainers from unfair use of court data.

Maine's court records show when legal actions have been filed against Mainers for eviction or debt collection, but they are **often misinterpreted**.

When it comes to evictions, the moment a case is filed, the tenant has a **permanent eviction record**. It doesn't matter if a tenancy lasted decades, ended amicably with a court agreement, or if the court ruled in favor of a tenant. An eviction record **can burden a tenant's housing search for life**.

[1] Matthew Desmond & Monica Bell, Housing, Poverty, and the Law, 11 Ann. Rev. L. & Soc. Sci. 15 (2015).

[2] Massachusetts Law Reform Institute, Evicted for Life: How Eviction Court Records Are Creating a New Barrier to Housing (June 12, 2019), <https://www.mlri.org/publications/evicted-for-life/>.

[3] Julie Satow, On the List, and Not in a Good Way, New York Times (Oct. 16, 2014), <https://www.nytimes.com/2014/10/19/nyregion/a-tenant-blacklist-culled-from-tedium.html>.

[4] Sophie Beiers, et al., Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color, ACLU (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>.