

### OPPOSE HB 4760 (MAH)

The Chicagoland Apartment Association (CAA) opposes HB 4760, a bill that provides for the sealing of eviction court records. Fundamentally, CAA believes this legislation goes against provisions of the Constitution and a long history of case law. The common law right of access to court records has been deemed by the Illinois Supreme Court to be “essential to the proper functioning of a democracy.”

Apartment owners and managers are in the business of providing safe, professionally maintained housing of good quality to all residents. Because the eviction process is costly and often protracted, owners and managers only turn to evictions as a last resort when a lease has been breached, most often for nonpayment of rent, or for jeopardizing the safety or disturbing the quiet enjoyment of others at the apartment community.

Eviction screening is a necessary function of the application process that helps owners and managers mitigate risk and ensure safety and security. Any limitation on the ability to review pending or previous court filings would be a significant detriment to an owners’ review process and would have unintended consequences that adversely impact low-income residents, such as greater reliance on financial records and credit scores.

In addition to our fundamental objection to the sealing of court records we are concerned about the following practical challenges inherent in HB 4760.



### KEY FACTS ON SEALING OF EVICTION COURT RECORDS

- **SOME TERMS ARE UNREASONABLE.** The requirement for clerk of the circuit court to mail notice of the eviction action to named defendants within seven days presents an enormous administrative burden. Court dates in some counties are scheduled as soon as seven days after filing, in which case defendants would not receive the notice prior to the court date.
- **UNDULY BURDENSOME.** The mechanics of accessing court records in person is burdensome and inconsistent with Supreme Court mandates for e-filing and electronic access.
- **SETTLEMENTS AREN’T ACCOUNTED FOR.** The proposal fails to acknowledge settlements in which apartment owners agree to dismiss the pending action and judgement so long as the tenant vacates voluntarily. In such cases orders of possession are never entered even though owed rent is not paid. The inability to access records in such situations will cause apartment owners to heighten underwriting standards.
- **REQUESTS FOR SEALING ALREADY EXIST.** Tenants involved in eviction actions already have the right to request that the file be sealed, and judges grant the request under certain circumstances.