

The "Scarlet E" - Overcoming an Eviction Record



by Andrew Neuhauser, managing attorney

In 2014, Maggie's* landlord filed an eviction against her and her ex-boyfriend because the landlord thought they did not pay \$300 in rent. In reality, Maggie was a victim of domestic violence who was fleeing her abuser - who happened to also steal her money. Because the abuser was still in the house, the eviction went forward.

This eviction record continued to haunt Maggie even though it was the only eviction ever filed against her. In 2020, when she applied to move into a rental house, the landlord required her to get a co-signer because of the eviction. Maggie was also worried that the eviction record would make it more difficult to buy a home of her own. With the help of Community Legal Aid, Maggie was able to get the 2014 eviction record sealed.

Maggie was fortunate that the court in which her landlord filed the eviction is open to sealing eviction records. Other courts are not, and that variance creates uneven access to this important tool. Community Legal Aid serves eight counties and, in those counties, there are 25 courts that handle eviction cases. Some of those courts have created local court rules and user-friendly forms for tenants to use to ask the court to seal an eviction record. Some of these courts have made it clear that they will not grant a tenant's request to seal an eviction record.

Statewide, there are about 160 courts that handle eviction cases, which means there are at least 160 ways that requests for sealing an eviction record are handled.

There is no state law that governs the eviction sealing process. Instead, each of those 160 courts interprets rules from the Supreme Court of Ohio on when court records can be sealed.

For people like Maggie, the effects of those courts' interpretations have very real consequences. In [a 2012 paper](#), Matthew Desmond noted that one landlord rejected applicants with dismissed evictions on their record, saying, "You know something happened, and I just don't want the headache." Similarly, [a 2019 study](#) from Massachusetts found that, "Eviction court records, many of them decades old, are permanently available online and being used to deny tenants housing, without regard to the outcome of the case." As [one court](#) found, "regardless of whether or not a tenant prevails in the Housing Court, his or her name may appear on the blacklist, making the finding of a rental apartment potentially very difficult if not impossible, particularly for a tenant of relatively modest means." The result, as Desmond found, is that "eviction almost always leads to increased residential instability and homelessness, as well as to a downward move: a relocation to a disadvantaged neighborhood and/or to substandard housing."

Some communities have taken action in an effort to mitigate the long-term harm of an eviction filing. For example, in Franklin County, only eviction cases filed during the past three years remain visible on the public record. Illinois is [considering legislation](#) that would seal a case in certain instances, for example the case is dismissed or the tenant wins. This bill also suggests sealing eviction records older than 7 years and prohibits screening companies from sharing information about sealed files. [Efforts in Ohio to create a statewide standard](#) around eviction sealing stalled in 2022.

Sealing an eviction record can be an important step in an effort to obtain safe and affordable housing. The Supreme Court of Ohio has even included sealing in its [Judicial Guide to Eviction Diversion toolkit](#). As a community, it is critical we explore eviction sealing as one of a number of strategies that can lessen the housing burdens that are often carried by families who rent.

*name changed to maintain confidentiality

This article is part of Legal Aid's ["Big Ideas" series](#).

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Last updated on April 05, 2023.

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