



Legislation Text

File #: RES 19-1620, **Version:** 1

Supporting the Second Judicial District Housing Court Workgroup's proposal to maintain the confidentiality of eviction records pending case disposition.

WHEREAS, Resolution 17-2064 passed by the Saint Paul City Council in December 2017 directed the Fair Housing Workgroup to develop a Fair Housing Strategic Plan and the Fair Housing Workgroup presented a report titled "Fair Housing Work Group: Status update and policy and program options in response to Resolution 17-2064" to the City Council in March 2018; and

WHEREAS, an outgrowth of this work was Council Resolution # 18-1204, which outlined numerous housing policies and needed studies to advance Saint Paul's housing goals; and

WHEREAS, Council Resolution # 18-1204 included within its directives a policy and legal analysis of tenant protection measures examining potential improvements to programs, local codes and state statutes; and

WHEREAS, the Council convened a policy discussion on August 14, 2019 to deliberate on many tenant protection policies which addressed tenant screening - including criminal and financial background checks, evictions, notices of sale, tenant remedy actions, and right to counsel; and

WHEREAS, the Council discussed the problem that eviction filings are available to prospective landlords or screening agencies before the tenants are aware of the filing or there is a disposition of the case; and

WHEREAS, the presence in tenant screening reports of *dismissed* eviction actions places tenants at an unfair and significant disadvantage in their search for safe, decent and affordable housing; and

WHEREAS, in 2018 of the 2,408 evictions filed in the Second Judicial District, 554 (23%) were dismissed;

WHEREAS, *settled* eviction actions in tenant screening reports also place tenants at a disadvantage in their search for safe, decent and affordable housing - as the settlement of the eviction case demonstrates capacity to address mistakes and should not be viewed in the same light as cases where tenants were evicted by court order; and

WHEREAS, in 2018 there were 2,408 evictions filed in the Second Judicial District, 1,351 (56%) of which settled; and

WHEREAS, in 2018 the Second Judicial District considered 372 motions for expungement of eviction records, 75% of which were granted - meaning that only a fraction of people whose cases were dismissed sought and were granted an expungement of their eviction record, which magnifies the importance of having dismissed cases not appear in public records; and

WHEREAS, Southern Minnesota Regional Legal Services (SMRLS) presented a proposal on behalf of the Second Judicial District Housing Court Workgroup to the City Council which directly engaged the problem of data on eviction actions being visible prior to court disposition of the case; and

WHEREAS, this Second Judicial District Housing Court Workgroup's proposal would put in place a pilot program in the Second Judicial District which keeps eviction filings confidential pending their disposition; and

WHEREAS, the Second Judicial District Housing Court Workgroup's proposal is endorsed by the Governor's Task Force on Housing and all members of the Second Judicial District Housing Court Work Group - chaired by Chief Judge John H. Guthmann and including members from the Second Judicial District bench and court administration, Family Housing Fund, Ramsey County Emergency Assistance, Neighborhood House, Dispute Resolution Center, Volunteer Lawyers Network, SMRLS and the Ramsey County Law Library; and

WHEREAS, the City Council finds that hundreds of individuals and families in Saint Paul whose eviction cases are dismissed will benefit annually in their search for safe, decent and affordable housing - as dismissed evictions will not be present in the tenant screening reports used by landlords to make determinations on the suitability of tenants; now, therefore, be it

RESOLVED, that the Saint Paul City Council endorses the Second Judicial District Housing Court Workgroup's proposal for a pilot project in the Second Judicial District which maintains the confidentiality of eviction records pending case disposition.