

June 25, 2021

The Honorable Timothy Evans
Chief Judge, Circuit Court of Cook County
50 West Washington Street, Room 2600
Richard J. Daley Center
Chicago, IL 60602

The Honorable Iris Martinez
Clerk of Court, Circuit Court of Cook County
50 West Washington Street, Room 1001
Richard J. Daley Center
Chicago, IL 60602

RE: PA 102-05 (sealing eviction court records)

Dear Chief Judge Evans and Clerk of Court Martinez:

We appreciate your swift attention to PA 102-005's requirement that Covid-era eviction records are presumptively sealed, as well as other efforts on behalf of low income litigants during this troubling time. We write to urge you to give effect to the other sealing protection provided in PA 102-005 and enter a general administrative office sealing certain pre-Covid eviction files.

As you are doubtless already aware, eviction records make finding housing more difficult for tenants, even when the eviction case did not result in a judgment against the tenant. CONSUMER REPORTS, *How Tenant Screening Reports Make It Hard for People to Bounce Back From Tough Times*, March 11, 2021. This disadvantage particularly impacts people of color, and especially Black mothers and their children.

For this reason, the sponsors of PA 102-005 also changed the sealing provisions for eviction cases filed prior to March 2020. Specifically, the law provides:

- (b) The court shall order the sealing of any court file in a residential eviction action if:
 - (1) the interests of justice in sealing the court file outweigh the public interest in maintaining a public record;
 - (2) the parties to the eviction action agree to seal the court file;
 - (3) there was no material violation of the terms of the tenancy by the tenant; or
 - (4) the case was dismissed with or without prejudice.**

735 ILCS 5/9-121.5.

From Lawyers' Committee for Better Housing's analysis of First Municipal evictions, we know that only about 60% of eviction filings result in an eviction order. In the 40% of cases that do not end in eviction orders, outcomes involve dismissals through agreed orders, dismissals for want of prosecution, or plaintiffs dismissing the case without prejudice, perhaps because the tenant has moved. In about 15% of filed cases (*i.e.*, about one-third of the cases identified above), the plaintiff abandons the case, with no final order dismissing the case. In short, the law now

provides that the court shall order the sealing of any case that ended in any one of these ways.

As we began to prepare materials and trainings for self-represented litigants to file motions to seal eviction records pursuant to this new law, we realized the judicial economy of the Chief Judge entering a general administrative order sealing the court file of any eviction that the Office of the Clerk can identify, through its Information Technology department, as having concluded with a disposition other than an eviction order, such as a dismissal or DWP order. Sealing these files administratively could save much effort by judges and courtroom clerks, who otherwise will need to handle possibly thousands of individual motions.

We would be happy to meet with your staff to provide any other information. Please have them contact Michelle Gilbert, LCBH Legal Director, at 312.347.7600 or mgilbert@lcbh.org, if you would like to discuss this matter further.

Sincerely,

Access Living
Beyond Legal Aid
Center for Disability and Elder Law
Chicago Appleseed
Chicago Area Fair Housing Alliance
Chicago Coalition for the Homeless
Chicago Council of Lawyers
Chicago Urban League
Chicago Volunteer Legal Services
Coalition for Equitable Community Development
Communities United
Housing Opportunities and Maintenance for the Elderly
Housing Action Illinois
Housing Choice Partners
Lawyers' Committee for Better Housing
Legal Aid Chicago
Legal Aid Society of Metropolitan Family Services
Legal Council for Health Justice
Moran Center for Youth Services
North Suburban Legal Aid Clinic
Shriver Center for Poverty Law
South Suburban Housing Center
Uptown People's Law Center
Westside Justice

CC: The Hon. Delia Ramirez Hernandez
The Hon. Omar Aquino
Janet Hunter, Chief Deputy Clerk
Carmen N. Gercone, Executive Clerk of Court Operations & Administration
Armando G. Sandoval, Associate Clerk, First Municipal Bureau