

DC VOLUNTEER LAWYERS PROJECT

EST. 2008

**Testimony of Ashley Carter, Equal Justice Works Fellow
DC Volunteer Lawyers Project
Before the Committee on Housing and Executive Administration
Council of the District of Columbia**

**Bill 24-0096: Eviction Record Sealing Authority Amendment Act of 2021
June 3rd, 2021**

Thank you for the opportunity to provide written testimony to the Council. I am writing today on behalf of the DC Volunteer Lawyers Project. The DC Volunteer Lawyers Project (DCVLP) is a non-profit organization that was established in 2008 to provide direct legal and advocacy assistance to low-income survivors of domestic violence, at-risk children, and other vulnerable individuals. We believe that a life free from violence and abuse is a basic human right, and we work to reach this goal through direct legal services, advocacy, training, and outreach. DCVLP attorneys provide survivors of domestic violence with trauma-centric representation in Civil Protection Order cases, family law matters including custody, child support, and divorce, and immigration cases. We also provide advocacy regarding victims' legal rights in related criminal proceedings against abusers, housing, employment, public benefits and other matters. DCVLP attorneys also represent at-risk children as guardians *ad litem* in contested custody matters.

DCVLP strongly supports the Eviction Record Sealing Authority Amendment Act of 2021. Domestic violence is widely recognized as a significant contributing factor leading to homelessness.¹ Many of our clients face losing their homes due to issues stemming – either directly or indirectly – from the abuse they experience. For example, many of our clients express that they

¹ See, e.g., National Network to End Domestic Violence, “Housing Policy”, retrieved from <https://nnedv.org/content/housing-policy/>.

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feel unable to leave an abuser because they cannot afford rent on their own, because they don't want their children to be left homeless, or because they have nowhere to turn except a shelter. Many DCVLP clients tell us that their landlords have threatened to evict them due to frequent calls to police or disturbances on the property caused by domestic violence incidents. Economic abuse also runs rampant in our domestic violence cases. Many of our clients report that their abusers control their incomes or steal from them, leaving them unable to make their rent payments. Clients who suffer from physical abuse may be unable to work while they receive medical treatment or heal from injuries, causing a significant loss of income. They may even be fired from their jobs due to disturbances caused by abusers, leaving them with no income and no way to pay rent.

Our client's housing issues are compounded by the current state of the eviction records system in the District. If a survivor was evicted from a previous home because she was unable to pay rent, prospective landlords are likely to see her as a risk when she applies for new housing. The D.C. Code does provide protections that allow victims of domestic violence to defend against eviction proceedings if they were filed based on domestic violence offenses. However, there is no provision protecting survivors who are unable to pay rent due to loss of income or financial abuse. Once a survivor has an existing eviction case record, the records remain publicly accessible even if the case did not result in an eviction. Landlords often run background checks before taking on new tenants, and a survivor may find it exceedingly difficult to find a new landlord willing to rent to her with an eviction case on her record.

The Eviction Record Sealing Authority Amendment Act of 2021 would provide two layers of protection to our clients. First, survivors of domestic violence would be permitted to file a motion to seal

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eviction records *immediately* if the survivor could show that the eviction was filed because of a domestic violence offense on the property. This would protect survivors from incurring a history of eviction records when their circumstances clearly provide for a defense against eviction. Second, the bill would provide our clients with an opportunity to seal other eviction records over time, including cases that *did* result in an eviction. Sealing past eviction records would allow our clients an opportunity for a clean slate, which can be invaluable to a survivor who needs to find new housing. This bill would ultimately protect survivors of domestic violence from finding themselves or their children homeless with nowhere to turn.

I would like to thank the Council for considering the Eviction Record Sealing Authority Amendment Act of 2021. This bill could truly make a difference in the lives of our clients and others living in the District by offering a fresh start for those most in need. DCVLP is grateful for the opportunity to provide testimony and we welcome any further questions from the Council.

/s/ Ashley Carter

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