

**WebEx proponent testimony for HB 2357**  
**Megan Foreman, Housing Coordinator, Johnson County Government**

**Date: February 10<sup>th</sup>, 2025**  
**Jay Leipzig, Director of Planning**  
**Johnson County Government**

Chair Humphries and Members of the Committee,

Thank you for the opportunity to testify **in support** of House Bill 2357, which would seal court records in eviction actions for specific periods, require expungement of certain court records, and encourage mediation in eviction cases when it would materially benefit all parties.

One of the strategic priorities of the Johnson County Board of County Commissioners is to ensure safe, stable and attainable housing for residents. Beginning in September 2023, Johnson County Government partnered with the 10<sup>th</sup> Judicial District Court to pilot an **eviction mediation** program. Program data indicate great success in preventing eviction judgements and feedback from all parties, including landlords, tenants, attorneys, public safety officials, and court staff, has been positive. Local governments are often laboratories for policy innovation that can benefit all Kansans, and Johnson County welcomes the opportunity to share details about this successful, resolution-focused program.

Eviction mediation program data collected between September 2023 and December 2024 showed a **73% success rate**, meaning that all parties adhered to the terms of the mediated agreement and the case was dismissed *without* an eviction judgement.

- Over **90%** of property owners and tenants reached an agreement in mediation.
- **35%** of households kept their current housing.
- Over **57%** of tenant households participating in mediation indicated they had a child in their household. Housing stability, especially for children, has numerous economic, educational and health benefits.

The program launched as a pilot, and the Court and County were very interested in participant feedback; the data collection tool also includes space for direct comments. Results include:

- Almost **74% of landlords** completing follow up surveys agreed or strongly agreed that eviction mediation was beneficial. Mediation gives property owners more certainty on when a tenant will vacate the unit. The negotiation and opportunity for the tenant to be heard also reduces the likelihood of unit damage and abandoned property, both of which are costly and time-consuming for landlords. If the parties determine the tenant remains in the unit, landlords report that the signed agreement reached in mediation results in actual payments as opposed to promises made by email or phone. Less formal promises are more frequently broken.
  - “This is a great program, and I would highly suggest continuing to use it. It helped both me as a property manager and the tenant. The tenant ended up staying in the apartment and we now have a good working relationship.”

- The **Johnson County Sheriff's Office** is responsible for serving tenants with both notice to appear paperwork when an eviction is filed and the formal writ of eviction if a judgement is filed. Evictions are time consuming, expensive, emotional and dangerous for the deputies involved. Three deputies are dispatched to serve a writ of eviction, a process which takes about nine hours for a total cost to taxpayers of \$585. Between June and September of 2024, our public safety officers performed 362 evictions, for a total of \$210,000 in personnel costs. Assuming the number of evictions is relatively consistent throughout the year, this equates to roughly \$600,000 in personnel costs annually.
- **Tenants** benefit from mediation in numerous ways, chief among them is the opportunity to avoid long-term housing instability. Tenants were grateful for the mediation program:
  - "Our mediator provided sage advice, truly, and a viewpoint that was not brought to the table from a frame of mind involved in the emotional response of the events. We were able to deliberate a fair solution that resolved in the spirit of justice and harmony. This option is invaluable for concluding conflicts and reaching a speedy end to our particular complaint."
  - "It was very unexpected and extremely on time and beneficial! I might have been evicted if it was not for that program! Super easy process and the people were not intimidating!"

The rise in housing costs in both Johnson County and across the state often means that tenants are one small crisis away from losing their housing. Data from the 2023 American Community Survey show that 43% of renters are housing cost burdened, meaning that they spend more than 30% of their income on housing. This leaves little room for an unexpected work interruption, medical bill, or car repair, or which are common reasons tenants cite for getting behind on rent. **Seven in 10** renters in mediation report incomes at/below 50% of area median income, which is \$36,100 for a one-person household. Given that **81%** of tenants in eviction mediation have not had an eviction in the past 5 years, one can conclude that an incidental challenge is the reason for their situation, but an eviction can make housing challenges permanent. In 2024, **29%** of Johnson County's one-night homeless count (Point-in-Time (PIT) count) respondents said that a past eviction was a factor in their current housing challenges.

In Kansas, eviction filings are permanent. An eviction filing can remain on an individual's background screening for years, regardless of the outcome or the circumstances surrounding the case. Eviction filings and resulting cases are routinely used as a reason to reject an application for housing or to offer housing in poorer condition. Because case records are permanent, even inaccurate eviction filings, dismissed eviction cases, old filings, and satisfied judgements impact tenants. In addition, many property management companies have automated online application systems making it nearly impossible to reach someone and explain a past eviction filing or issue.

One tenant in mediation put it this way: "This would work better if an eviction wasn't documented. Yes, it [mediation] might seem like a win for the tenants that are behind but regardless of a law, potential landlords will still take that into consideration, so it provides a short-term solution for a long-term problem..."

HB 2357 would **seal evictions** from public view until judgment is reached ensures that information used to evaluate a tenant is accurate—inaccurate eviction filings and dismissed cases will not appear on a background screening. The timeline for an active eviction case is very brief (can be less than three weeks). Thus, the lag time is not significant for active cases but is very beneficial if there is an inaccurate or dismissed filing.

Likewise, **eviction expungement** once judgment is satisfied and two years have passed without an additional judgment ensures that tenant information is up to date. Property owners and management companies will still have access to more recent eviction judgments, tenant credit reports, and references to evaluate tenants.

**Johnson County supports HB 2357.** Our experience piloting eviction mediation has shown how this successful and comparatively inexpensive policy change can positively impact all parties involved. The other provisions of HB 2357, to seal eviction records for a short time and expunge records after two years, are other policies that can ensure one financial hardship does not lead to permanent housing instability for Kansans.