



PO Box 654
Lawrence, KS 66044

Rabbi Moti Rieber, Executive Director
Rev. Dr. Annie Ricker, Board Chair

<https://kansasinterfaithaction.org>
KIFA@kansasinterfaithaction.org

(913) 232-2336

Testimony in Support of HB2357, sealing and expungement of court records in eviction actions
by Rabbi Moti Rieber, Executive Director
House Committee on Judiciary, Rep. Susan Humphries, chair
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Mme. Chair, Members of the Committee:

Thank you for the opportunity to submit testimony today. I serve as executive director of Kansas Interfaith Action, a statewide, multifait h issue-advocacy organization that “puts faith into action” on a variety of important social and economic justice issues. We work with many of the Mainline denominations in Kansas, the local judicatories of the ELCA Lutheran Church, the United Church of Christ, and the United Methodist Church. I submit testimony in support of HB 2357.

For the past year or so KIFA has been part of a coalition called Kansas Housing Advocacy Network, or KHAN. The coalition has drawn up a detailed policy portfolio to address the twinned problems of affordable housing and homelessness – one of the most pressing issues in Kansas today. The proposed policies are in three categories: helping to develop more moderate-income housing; helping people who are in danger of becoming homeless stay in their homes; and helping people who have become homeless back into stable housing as quickly as possible. I believe that this bill addresses this third priority.

Evictions create instability for the entire community as tenants lose their housing: employers, schools, families, and property owners all feel the impact of evictions. Certainly the impact on individuals and their families involved are profound, with severe health, educational, and social impacts. Evictions can also keep people from getting employment.

A major factor in keeping people from being able to rent a home is a previous delinquency, especially an eviction, on their record. Landlords often also automatically reject applicants with eviction case records, regardless of the context, outcome, or how long ago the case was filed. This is often called a “Scarlet E.” In Kansas these evictions stay on someone’s record forever, but currently 17 states and the District of Columbia have eviction sealing or expungement laws similar to HB 2357, and we’re encouraging this legislature to have Kansas to join them.

Black and Hispanic/Latino families are most impacted by eviction filings and eviction judgments nationwide.¹ A study conducted by Eviction Lab in collaboration with the US Census Bureau showed that Black renters were much more likely to receive an eviction filing (one in five) and be evicted (one in 10) than White renters, where only one in 24 were filed against and only one in 40 were evicted.²

The three most pertinent elements of this legislation are:

1. Requiring eviction mediation, except when a judge decides it would not be beneficial. This could keep families in their homes, which is the best outcome for everyone.
2. Sealing eviction proceedings until full resolution of the complaint. False or mistaken reporting accounts for 25% of cases.

¹ Hepburn P, Louis R, Desmond M. Racial and gender disparities among evicted Americans. Evictionlab.org. Published December 16, 2020. Accessed March 11, 2024. <https://evictionlab.org/demographics-of-eviction>

² Graetz N, Gershenson C, Hepburn P, Desmond M. Who is evicted in America. Evictionlab.org. Published October 3, 2023. Accessed March 11, 2024. <https://evictionlab.org/who-is-evicted-in-america/>.

3. Allowing for eviction expungement, if judgment is satisfied after two years and if no other eviction judgments have been entered during that time period. Property owners could continue to use evictions that are less than two years old in screening their potential tenants; and
4. Not allowing consumer protection agencies or landlords/property management companies to disseminate eviction information that has been sealed by the court.

Faith communities are very concerned about working with and helping the less fortunate. Housing and homelessness are two of the most pressing issues we face, and nowhere is the moral question more clear. Eviction is often the terrible result of a cascade of factors, including unstable income, or a major expense like a health emergency, which may well be temporary in nature but which under our current laws could have permanent repercussions. Many people are able to put their finances back together but they cannot come completely out of the hole without a way to address the "Scarlet E."

This legislature has a chance to make prevention of, or if necessary recovery from, evictions easier for people in our state. It's better for the tenants, their families, their employers, and property owners. This is a successful policy that has been used in other states. We urge this committee to pass HB 2357 to the full House as favorable for passage.

Thank you for your attention.