



Consumer Data Industry Association
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CDIAONLINE.ORG

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Montrella S. Jackson, Esq., CCM
Court Administrator
Akron Municipal Court
Harold K. Stubbs Justice Center
217 South High Street - Suite 713
Akron, OH 44308

Dear Ms. Jackson:

Thank you for the opportunity to submit comments to the judges of the Akron Municipal Court regarding Rule No. 39, Motion To Seal Eviction Record.

The Consumer Data Industry Association is the voice of the consumer reporting industry, representing consumer reporting agencies including the nationwide credit bureaus, regional and specialized credit bureaus, background check and residential screening companies, and others. Founded in 1906, CDIA promotes the responsible use of consumer data to help consumers achieve their financial goals, and to help businesses, governments and volunteer organizations avoid fraud and manage risk.

Rule No. 39, Motion To Seal Eviction Record, would make it easier for consumers to seal eviction records. We understand that Akron has the highest eviction rate in the state of Ohio. There have been similar measures as rule No. 39 implemented in the cities of Cleveland and Toledo. Evictions are costly for all parties involved and never an ideal nor desired outcome in the housing rental process.

We respectfully believe that landlords should know when a tenant has abandoned the property and another landlord has not been paid. Cases should be reportable when an eviction is filed, the defendant-tenant abandons the property, and the landlord is owed money. It's an effective predictor of risk to other landlords to see situations where a tenant quits the property and leaves the landlord holding the bag. Pursuing these cases to judgment in order to make such cases reportable, as the proposed new rule would encourage, would substantially increase costs on tenants and landlords and increase the eviction caseload on courts.

This rule also has a too short of a lookback period, which could lead to higher loses for landlords and more costs for tenants. The rule would shorten the lookback period – the time during which eviction records remain visible - from seven years to three years. This provision conflicts with the federal Fair Credit Reporting Act (FCRA) which specifically permits reporting civil suites and judgments for a seven-year lookback period. *See* 15 USC 1681c(a)(2). There is no evidence that a shorter look-back period means that delinquent tenants have turned in to tenants who meet their obligations. To conform to existing federal and state law, and to enable landlords and their tenants to meet their obligations. Rule No. 39 should be amended to read “at least seven years have elapsed from the date of the final judgment in the eviction case”.

Access to case information promotes accuracy for landlords and consumers. Court runners, data repositories, CRAs, and landlord end users need enough case information and personal

identifiers in court and clerk records to properly identify people and cases. The information this rule would take away include previously reported eviction cases covered by an expungement or similar order, when such order was made public by the court/clerk, and which individual defendants (e.g., co-applicants, guarantors, co-tenants) are covered by such an order. CDIA members do not report expunged or sealed cases, but in order to prevent the reporting of this information, CDIA members need to know which cases have been expunged or sealed.

To allow for the proper alignment of parties and cases, Rule No. 39 should be amended as follows: "all courts or clerks shall delete or redact all index references to the name of the defendant that relate to the eviction case information from the public records, and shall provide sufficient personal identifiers in the public record to enable identification of the redaction of a record previously made public, including, but not limited to, case identification numbers, case status, and the date the redaction is made public by the court or the clerk".

CDIA members provide a critical role in the housing marketplace; buying, selling, and renting. In the rental housing marketplace, CDIA members help landlords and property managers protect their properties and help create safe living environments for other tenants. CDIA members will help rental communities by conducting credit and criminal background checks, and eviction histories, so that landlords and property managers can make lawful screening decisions to protect themselves and their tenants. CDIA and its members recognize that not all adverse credit, criminal, or eviction information carry the same weight, yet CDIA's members help their business customers make thoughtful, lawful decisions to protect the safety of rental communities.

In conclusion, we believe there are many important benefits for the uses of evictions records in the residential screening process. The reports our members provide to landlords and property managers protect applicants, residents, the general public and housing providers. For these reasons above, we would encourage your reconsideration against Rule No. 39 that would negatively impact the structure that is currently in place. Thank you for the consideration of our comments and I would be happy to answer any questions you may have.

Sincerely,

Michael Carone

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