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**Testimony in Support of H6464  
House Judiciary Committee  
Submitted by Jordan G. Mickman  
June 29, 2021**

The Rhode Island Center for Justice (CFJ) is a non-profit public interest law firm that provides free legal services to low-income residents throughout Rhode Island. A significant portion of CFJ resources are dedicated to representing tenants who are experiencing housing insecurity, including substandard housing conditions, illegal evictions, and housing discrimination. The CFJ supports H6464 and strongly encourages this Committee to do the same.

One of the most common reasons a tenant seeks assistance from the Center for Justice is because they believe their landlord is not maintaining the unit as required by law. For instance, our office routinely hears from folks who have broken windows and doors, leaking pipes, inadequate heat, broken refrigerators and stoves, and infestations throughout the building. Rhode Island laws create remedies for these tenants. One law permits a tenant to make a minor repair to her unit and deduct the cost from her rent, after the landlord refuses to make the repair within a reasonable time frame (34-18-30). Another law excuses a tenant from paying rent when a landlord fails to supply heat, water, electricity, and gas (34-18-31). When a tenant pursues one of these remedies, there is a significant risk that the landlord will file an eviction action. A tenant should not be blacklisted and denied housing because she had the courage to stand up to a negligent landlord and take necessary steps to secure heat or other important repairs to keep her family safe.

The filing of an eviction action against a tenant presents one of the most serious barriers to securing future housing for tenants, even when the tenant had not owed any rent or breached any provisions of her rental agreement. Landlords and property managers routinely deny applications for housing to applicants who have been a party in a landlord-tenant dispute. They argue that an eviction history is the strongest predictor of whether an applicant will default on future rent payments. This argument has no merit when applied to a tenant who had her eviction dismissed because she did not breach the lease. Landlords should not have the right to refuse to rent to a tenant who complied with the law and her lease, and any insistence on the need to do so is not in good faith. The General Assembly should not lend any support to the claim that a problem tenant is one who either does not pay her rent or who demands safe and habitable housing from her landlord.

Sealing court records is the only effective means to accomplish the goal when court records are easily available on the internet. Credit reporting agencies routinely collect and distribute information from public records, including court records. Landlords who rely on credit reports compiled and distributed by a credit bureau are required to comply with the Fair Credit Reporting Act, including the obligation to notify an applicant about the source of information relied on when denying an application as well as the opportunity to dispute and correct the inaccuracy. If a landlord chooses to search the court records without relying on a credit report, there is no similar obligation. In other words, there are no consumer protections for tenants when a landlord denies a rental application because she successfully defended an eviction action.

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