Anti- Displacement Policy Toolkit

Blacklisting Ban

This tool would prevent the release of information about tenants who are involved in legal action against their landlords. In most municipalities, those names are released a certain period after the suit is brought, regardless of which party brings the suit or which party prevails. Blacklists make renting in the future extremely difficult and outlawing them strengthens tenant rights to engage housing court actions.

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<thead>
<tr>
<th>Status In NYC</th>
<th>Status Elsewhere</th>
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<td>Proposed</td>
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For NYC:

POLICY OBJECTIVE:
The primary objective of a Blacklisting Ban would be to criminalize the limiting or excluding access of tenants, or “blacklisting,” solely because they are or have been involved in legal action against a landlord.

HOW MIGHT IT WORK?
There are multiple ways this policy objective could be achieved. A Blacklisting Ban could:

- Make it unlawful to deny or limit access of qualified housing applicants simply for their involvement in housing court cases or claims where the applicant is found not guilty or has satisfied the terms of an order issued by the courts.
- Limit or bar public access to certain types of housing court records, shielding them from public view without the need for individualized advocacy.
- Limit or restrict the public release of names of those involved in housing court cases for a determined period of time, absent a court order allowing access.
- Permit or allow civil litigants to seal housing court records and remove them from public view absent a court order allowing access.
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For NYC:

WHO WOULD BENEFIT?
Targeted to help: Low- and middle-income tenants. Tenants involved in housing court cases.
Potential Impact: There are typically 300 to 400 housing court judgments filed each day in New York City. In 2016, the Bronx had 88,000 housing court filings.

HOW WOULD IT BE ENACTED?
City legislation

HOW WOULD IT BE ENFORCED?
City Fair Housing Law and/or New York City Housing Court.

WHAT IS THE FEASIBILITY FOR ACHIEVING THIS IN NYC?
Potential Proponents:
- Tenants Rights Advocates
- Tenant Associations
- Housing Lawyers
- Social workers
Potential Opponents:
- Rent Stabilization Association
- Housing Court reporting companies: CoreLogic, TransUnion or On-Site
- Some property owners of NYC rental units
Challenges:
- Some versions of the law rely on the tenant or their legal counsel to proactively request the sealing of their housing court records.

WHO’S INVOLVED?
Councilmember Benjamin J. Kallos
Blacklisting Ban

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Example Policy: Statewide in CA

HOW DOES IT WORK?

A 2016 California law, Assembly Bill 2819, stipulates that if a tenant is sued by a landlord, that the landlord must win the suit within 60 days to have the tenant’s information made public and thus collected and included in a so-called “blacklist.” The measure will also keep eviction actions resolved in tenants’ favor, or actions under litigation for more than 60 days, from damaging their credit history.

WHO BENEFITS?

Tenants facing eviction proceedings

HOW WAS IT ENACTED?

State legislation