

RACE AND GENDER DISCRIMINATION IN HOUSING

ISSUE BACKGROUND

Under current Iowa law, just the filing of an eviction notice becomes public record and stays on a person's record permanently even if an eviction filing is thrown out, the tenant wins the case, or the eviction is illegal. This raises a red flag every time a landlord or potential employer runs a check before renting to them.

These consequences of an eviction record disproportionately burden Black women and perpetuate social and economic inequities for people of color.

Between 2012 and 2016, Black renters in Iowa were on average 4.8 times more likely than white renters to have evictions filed against them. Additionally, Black women renters were 5.5 times more likely to have evictions filed against them than white renters in a similar financial situation. Many immigrant, low-income families who cannot access public benefits also continue to be disproportionately harmed.

Eviction not only has devastating consequences, including job loss and homelessness, but also creates long-term barriers to obtaining safe and stable housing due to the permanent stigma associated with a prior eviction record.

ACLU OF IOWA POSITION

Because of the stark race and gender disparities in eviction filings in our state, evictions are both a racial and a gender justice issue. Roughly half of all eviction filings never even result in a finding that the tenant did anything wrong—the tenant either wins or the case is dismissed. But just the record of the filing can be devastating for people.

This issue is not just limited to wrongful eviction filings. Even a lawful eviction for nonpayment of rent virtually eliminates someone's ability to be accepted for safe, affordable housing in the future. If you experienced hard times once, that record of falling behind on your rent once

should not follow you around forever. Even a record of a bankruptcy or foreclosure can be expunged after a certain amount of time. That's not the case with missing just one month's rent under current law.

Permanent records of prior eviction filings—even if the accusation never resulted in an eviction—disproportionately harm Black tenants, and particularly Black women. These records result in situations that unfairly lock tenants out of housing opportunities without providing any chance to explain their circumstances or why they would be good tenants.

This system has created racial discrimination in housing, which pushes affordable housing out of reach for many Iowans. All Iowans—regardless of their circumstances or background—have the right to housing free from discrimination. When as many Iowans as possible have quality housing, everybody wins.

LEGISLATIVE CONTEXT

In the previous General Assembly, the House unanimously passed a bill that would address this problem and also passed a second version of the same proposal. The Senate did not pass the bill out of committee, but the bill will likely be reintroduced this legislative session. Given the deep bipartisan support, we believe passing this bill into law is within reach.

The bill would automatically seal any records when an eviction filing is dismissed, when the claim is unlawful, or when the tenant wins the case against them. An accusation against a tenant would no longer be enough to harm them forever.

Additionally, the bill provides a second chance for people who were once evicted for nonpayment of rent but who get back on their feet and are current with their rent. Once a certain period of time has passed, a person in that situation could have their record sealed.

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HAVE A QUESTION?

Email us at outreach@aclu-ia.org.

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