The "Scarlet E": Effects of Public Eviction Records on Low-Income Households*

Alison Lodermeier† and Grace Ortuzar‡

May 2024

Abstract

Housing advocates, media outlets, and policymakers have long argued that a public eviction filing record—often referred to as the "Scarlet E"—carries significant consequences, particularly for low-income households. Individual accounts of this problem suggest that any presence of an eviction filing record, regardless of the outcomes of the eviction hearing, can become a major barrier to future housing, employment, and access to credit. Despite the attention given to this problem, we lack causal evidence on the impact of a public eviction filing record on individual outcomes. We provide causal estimates of the effect of a public eviction filing record. To do so, we study an Illinois policy that mandated all eviction cases be filed under seal between March 2020 and March 2022. Upon the expiration of the sealing policy on April 1, 2022, all new eviction filings were public record while previously filed cases remained sealed. Focusing on this policy end date, we adopt a regression discontinuity design comparing the mobility and credit trajectories of tenants with sealed and public eviction cases in Cook County, Illinois. We first document that filing eviction cases under seal effectively prevents tenant screening companies from accessing information about eviction cases and tenants. We then find some evidence that public eviction filing records increase residential mobility in the short run but detect no conclusive evidence of changes to neighborhood quality. We also find suggestive evidence that public eviction filing records may worsen credit access and performance in the short run.

JEL Codes: J01, H00, R38, I30
Keywords: evictions, financial distress, poverty

*This study was approved by the University of Notre Dame Institutional Review Board. The Orlando Bravo Center for Economic Research at Brown University provided financial support.

†Brown University (email: alison_lodermeier@brown.edu)
‡University of Notre Dame (email: mortuzar@nd.edu)

1 Introduction

Tenant advocates, media outlets, and policymakers have long argued that a public eviction filing record—often referred to as the "Scarlet E"—carries significant consequences, particularly for low-income and minority households (Goldstein 2021; Navar 2023; Phillips 2023). Individual accounts of this problem suggest that any presence of an eviction filing record, regardless of the outcome of the eviction hearing, may be a major barrier to future housing (Franzese 2018; Kiviat 2019).[1] With 3.6 million eviction cases filed annually in the U.S. (Gromis et al. 2022), a large number of renters are exposed to this potential stigma. Motivated by individual testimonies of the "Scarlet E" and potentially widespread exposure, policymakers in over a dozen state and local jurisdictions have recently passed or are currently considering legislation to seal eviction records.

Despite the attention given to the potential harms of these records, we lack causal evidence on the impacts of public eviction filing records on tenants' future outcomes. From a policy perspective, this evidence is necessary to weigh the potential harms to tenants from public records relative to the rights of prospective landlords to access information from civil court proceedings. Of broader economic interest, isolating the causal effect of the public record from the effect of being threatened with eviction or formally evicted is important to understand how the legal framework regulating eviction proceedings may be a driver of persistent economic and racial inequality if it restricts families from securing stable housing or moving to higher-opportunity neighborhoods. Estimating this important causal impact is challenging, however. Disentangling the effect of the public record from the effect of the eviction filing itself requires quasi-random variation in the public visibility of eviction filings. While recent state and local legislation mandating eviction records be sealed generate such variation, these sealing policies inherently restrict access to data.

In this paper, we overcome these challenges and provide causal estimates of the effects of a public eviction filing record on mobility, neighborhood quality, and financial health in the short run. We leverage quasi-experimental variation from a record-sealing policy in Illinois and obtained both sealed and public eviction filing records from the Circuit Court of Cook County via a special order.[2] Effective May 17, 2021, statute 735 ILCS 5/9-122 ordered new eviction cases filed through March 31, 2022 to be filed under seal.[3] Upon the expiration of the sealing policy on April 1, 2022, all new eviction filings were public records while previously

[1] In most states, eviction filing records will remain public even when the case was dismissed, the judge ruled in favor of the tenant, or the landlord and the tenant reached an agreement before the eviction hearing.

[2] The statute temporarily allowed researchers to request sealed records for scholarly purposes, conditional on the approval of the Chief Judge.

[3] 735 ILCS 5/9-122 also retroactively sealed eviction cases that had already been filed in Cook County since the beginning of the COVID-19 pandemic period (March 9, 2020 – May 16, 2021).

filed cases remained sealed.

In our analysis, we focus on cases filed between October 4, 2021 and July 31, 2022. This analysis period begins at the conclusion of the COVID-19 eviction moratorium in Illinois and spans the remaining period of data obtained from the court. Using the universe of eviction cases filed in Cook County, Illinois over this period, we adopt a regression discontinuity (RD) design that compares the outcomes of tenants with sealed cases filed before April 1, 2022 and public cases filed on or after April 1, 2022. Our RD approach relies on the assumptions that landlords do not manipulate the timing of filings around the policy end date and that all characteristics of eviction filings besides the public status are continuous around the policy end date.

Our first stage estimates verify that eviction cases filed after the cutoff date are 91 percentage points more likely to be designated as public records by the court. We take this as confirmation of de jure compliance with the previous sealing policy. To examine the de facto effectiveness of the sealing policy in preventing landlords from associating prospective tenants with sealed eviction filing records, we link eviction court records to data from a commercial public records company—representing the information accessible to landlords when screening prospective tenants. We find that eviction cases filed after the cutoff date and no longer sealed by law are 66 percentage points more likely to appear in the tenant screening database. Given concerns about the effectiveness of record-sealing laws and authorities' ability to enforce restrictions on what tenant screening companies can disclose, this finding provides important evidence of an effective record-sealing mechanism to policymakers considering similar legislation.

We then link the sealed and public eviction court records to consumer address histories from Infutor Data Solutions and individual credit files from Experian using tenants' names and addresses. Sharp RD estimates suggest that the end of the sealing policy led to a 11.4 percentage point (36%) increase in the likelihood of observing a tenant at a new address in Infutor within 6 months post-filing. Fuzzy RD estimates suggest that a public eviction filing record increases this 6-month mobility by 17.5 percentage points (56%). These RD estimates of changes to mobility, however, are fairly imprecise. Analysis of changes to neighborhood quality also yields imprecise estimates, meaning that the welfare implications of this increased residential mobility is unclear.[4]

We find suggestive, although statistically insignificant, evidence of public eviction filing records leading to declines in financial health in the short run, measured six to nine months post-filing. Fuzzy RD estimates suggest that a public record leads to a 10.72 point (1.9%)

[4]In this context, moving could be a sign of greater housing instability. Alternatively, moving could indicate upward mobility if the move was to a higher-opportunity neighborhood.

decline in credit scores (p-value = 0.14) and a 7.6 percentage point (16.5%) decline in access to revolving sources of credit (p-value = 0.179). These results are consistent with the public records causing poorer credit performance and access in the short run, which could be detected with more certainty in future work studying longer-run outcomes if any declines to financial health worsen over a longer time horizon than studied in this paper.

This paper contributes to the literature on the consequences of the eviction process for renters. A large literature in sociology studies the impacts of evictions and other forced moves for urban renters (Desmond 2012; Desmond and Kimbro 2015; Desmond et al. 2015; Desmond 2016; Desmond and Gershenson 2016). Recent work in economics uses quasi-experimental methods to address potential selection bias in this literature. Collinson et al. (2024) estimate the causal impacts of a court-ordered eviction by leveraging the random assignment of eviction cases to judges of varying leniency in an instrumental variables approach. Their estimates indicate that a court-ordered eviction is harmful to tenants' housing stability, earnings, consumption, and access to credit, but these impacts are smaller than suggested by previous studies (Desmond 2012; Desmond et al. 2015; Desmond and Kimbro 2015; Desmond 2016; Desmond and Gershenson 2016). They also find no effects on the poverty rate of neighborhoods to which evicted tenants move. This result coupled with the relatively small magnitudes of the other causal impacts of a court-ordered eviction could be explained by the common impact of the public record on both evicted and non-evicted tenants named in eviction filings.

We inform this question and contribute causal evidence on the consequences of this public record by using a quasi-experimental approach that allows us to isolate this effect of the public record from the threat of eviction or a court-ordered eviction. Our estimates shed light on the relative harms of an eviction filing—which generates the public record and impacts a much larger subset of renters—and an eviction order.[5] As such, our estimates complement those from Collinson et al. (2024) to provide important evidence on the consequences of an earlier stage in the eviction process.

Our work also builds upon the literature on screening decisions under information asymmetries (Bartik and Nelson 2020; Wozniak 2015). In particular, the policy debate surrounding eviction record-sealing policies parallels that of ban-the-box (BTB) policies that limit the ability of employers to ask job applicants about criminal histories. The literature on BTB studies both direct impacts on individuals with criminal histories (Rose 2021) and spillover effects in the form of statistical discrimination against Black and Hispanic men

[5]Based on eviction filings in Cook County from 2000 to 2016, Collinson et al. (2024) estimate that about two out of three eviction filings result in a court order for eviction and only approximately 25 percent of eviction filings result in evictions enforced by the Sheriff's Office.

(Agan and Starr 2018; Doleac and Hansen 2020). While BTB provides policy variation to study the criminal history as information used to screen applicants in the labor market, we focus instead on the rental housing market and a different yet important piece of screening information: public eviction filing records.

In our analysis, we estimate the direct impacts of public records on affected tenants, in the spirit of Rose (2021). While eviction record-sealing laws could also induce statistical discrimination in the rental market similar to BTB (Agan and Starr 2018; Doleac and Hansen 2020), we do not address this question as the temporary policy we study is unlikely to generate detectable changes in landlords' screening behavior.[6] It is also important to note that the policy we focus on in this paper restricts the availability of information at the source—similar to the expungement of criminal records in Prescott and Starr (2020)—rather than regulating decision-makers' ability to consider certain information when screening (Agan and Starr 2018; Bartik and Nelson 2020; Doleac and Hansen 2020; Rose 2021; Gorzig and Rho 2023). This allows us to estimate the broader impacts of the public record itself, which is a fundamental input for designing policy to regulate the availability of this information or the how decision-makers are allowed to use of this information in screening decisions.

The remainder of this paper is organized as follows. Section 2 discusses the use of public eviction records by landlords screening prospective tenants and the details of the Illinois eviction record-sealing policy. Section 3 describes our data sources and linking methodologies. Section 4 outlines our RD approach that compares the outcomes of eviction cases filed as public records or under seal around the sealing policy end date. Section 5 reports our RD estimates of the impact of a public eviction filing record on residential mobility and financial health. Section 6 concludes.

2 Institutional Background

2.1 Public Eviction Records

Eviction cases are typically public records. In most jurisdictions, eviction records remain public even when the case was dismissed, the judge ruled in favor of the tenant, or the

[6] In response to eviction record-sealing laws, landlords may increase rent prices and security deposit amounts if they believe background checks are not a reliable tool and require other means to mitigate the risk of uncertainty. Landlords may also be more reluctant to rent to people they perceive as more likely to have an eviction record, which may result in statistical discrimination against racial minorities or low-income renters. The particular policy setting we study in Illinois is poorly-suited to test for these potential changes in landlords' screening behavior or rental prices because we focus on the end of a temporary sealing policy. The adoption of a permanent policy to seal all future eviction filings would be a more suitable policy setting to study unintended consequences to renters since such a policy is much more likely to generate changes to landlord screening or prices.

landlord and the tenant reached an agreement before the eviction hearing. Eviction filing records can be found in online public court databases, in person at the courthouse, or on tenant screening reports. Tenant screening companies scrape or purchase eviction court records to compile and sell tenant screening reports to landlords evaluating potential tenants. The reports usually indicate whether an individual is associated with any eviction filing regardless of the outcomes of the case. In some cases, the reports may include simply a "thumbs-up" or "thumbs-down" recommendation to the landlord based on limited or ambiguous information about the eviction case (Kirchner and Goldstein 2020). Federal regulations prohibit screening agencies from reporting judgments more than seven years old, but these laws are difficult to enforce.[7] With mounting pressure on the rental market, landlords increasingly rely on tenant screening reports as part of their background checks on prospective tenants.[8] Background checks are also requested by local housing authorities and can negatively impact an application for a housing voucher or public housing.

Given that the public information available to landlords about prospective tenants' eviction history is often incomplete or ambiguous, any link to an eviction case is thought to be a negative signal in the rental market (Porton et al. 2021). Moreover, a positive history of on-time rent payments is not typically reflected in tenant screening reports. As such, the negative and incomplete signal of public eviction records may restrict a tenant's ability to move into more desirable neighborhoods and qualify for public housing (Desmond et al. 2015). Importantly, public records may also exacerbate racial discrimination by landlords considering rental applications (Carpusor and Loges 2006; Hanson and Hawley 2011; Ewens et al. 2014; Christensen et al. 2021); over half of all eviction filings are against Black renters despite Black renters comprising less than 20% of the U.S. renter population (Graetz et al. 2023).

2.2 Illinois Sealing Policy

Citing the potential harms to tenants from public eviction records, several states have recently introduced measures to facilitate the sealing or expungement of eviction records.[9] See Appendix Table A1 for a summary of other recent changes to record-sealing laws. In

[7]The federal Fair Credit Reporting Act limits dissemination of inaccurate information and prohibits reporting of judgments more than seven years old. The federal Fair Housing Act, among other things, prohibits housing screening policies that appear neutral but have a disparate impact based on race or gender.

[8]A 2017 TransUnion survey of 689 landlord across the US found that 90% of landlords relied on online screening companies.

[9]Before the COVID-19 pandemic, sealing laws primarily focused on making it easier to seal an eviction record if the case was dismissed or the judgment was in favor of the tenant. More recent legislation since the COVID-19 pandemic allow for the sealing of pandemic-era eviction records and set up processes for tenants to retroactively seal older records if they prevailed in court.

this paper, we focus on an Illinois law that mandated pandemic-era eviction filings be sealed. Given the temporary nature of the pandemic-era sealing mandate, this policy generated quasi-random variation in the status of cases as public records or sealed records around the end date of the sealing mandate in 2022.

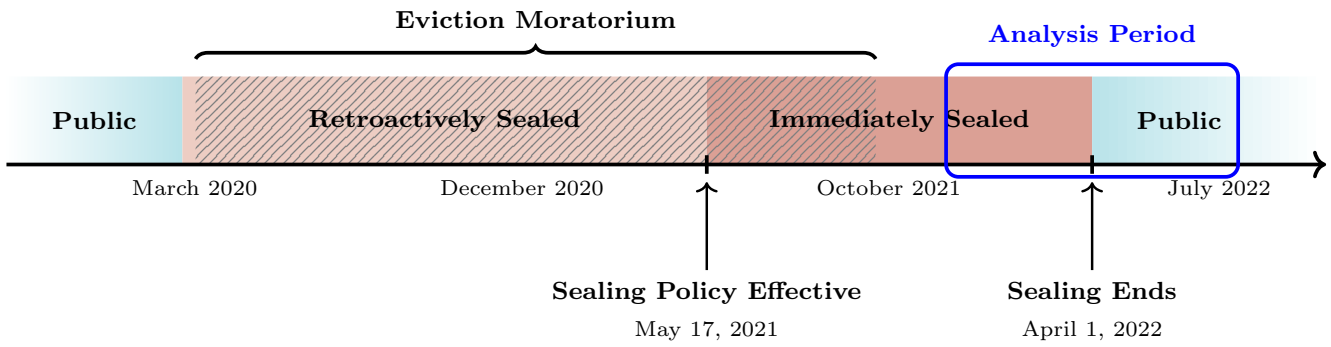
On May 17, 2021, the Governor of Illinois signed into law the state's "COVID-19 Emergency Housing Act" (Public Act 102-005), which, among other protections for renters affected by the pandemic, established eviction record-sealing provisions. The law established immediate, automatic, and permanent sealing of residential eviction cases filed beginning with Illinois' COVID-19 emergency declaration (March 9, 2020) through March 31, 2022 (Illinois State Bar Association 2022).[10] Residential eviction cases filed during this sealing period but prior to the passage of the law were to be retroactively sealed, while all new cases filed for the remainder of the sealing period were to be automatically sealed at the time of filing. On April 1, 2022, all new residential eviction cases were to be filed as public records by default and only sealed under a much more narrow set of criteria.[11] Of critical importance, the law also allowed sealed court files to be made available for scholarly purposes conditional on approval by the court.

Using data obtained via this clause, this paper exploits the quasi-experimental variation in public records induced by the end date of the sealing period (April 1, 2022). While the law also generated an earlier cutoff date of March 9, 2020—before which cases were filed as public records and after which cases were sealed retroactively,—we choose not to leverage this date given how closely it coincides with the beginning of the COVID-19 pandemic, the overlap with the statewide eviction moratorium, and that retroactive sealing is likely less effective than immediate sealing. Figure 1 illustrates the record-sealing changes mandated by law and the overlap with the federal eviction moratorium. Our analysis sample includes cases filed from October 4, 2022 (the day after the end of the eviction moratorium) through the remaining period of data received from the court (July 31, 2022).

[10] See 735 ILCS 5/9-122(a)(b) for details.

[11] As specified in 735 ILCS 5/9-121.5(b)(1-4), cases filed from April 1, 2022, to July 31, 2022 will not be sealed unless a court orders the sealing if (1) the interests of justice in sealing the court file outweighs the public interest in maintaining a public record; (2) the parties to the eviction action agree to seal the court file; (3) there was no material violation of the terms of the tenancy by the tenant; or (4) the case was dismissed with or without prejudice. Residential eviction cases filed beginning on August 1, 2022, are subject to the original legislation, allowing the courts discretionary sealing under very stringent criteria, and mandatory sealing only for mortgage foreclosure cases. As specified in 735 ILCS 5/9-121.(b), discretionary sealing only applies to cases filed from August 1, 2022 onwards if the court finds that the plaintiff's action is sufficient without the basis of law or that placing the court file under seal is clearly in the interests of justice, and that those interests are not outweighed by the public's interest in knowing about the record. 735 ILCS 5/9-121.(c) establishes that mandatory sealing is reserved for foreclosure cases.

Figure 1: Illinois Sealing Policy Timeline



3 Data Sources and Linkage

We analyze Cook County eviction filing records linked to a commercial public records database, residential address histories, and credit bureau records. The following sections describe each of these data sources and linking methodologies.

3.1 Court Records

We obtained public and sealed eviction filing records for cases filed between March 9, 2020 and July 31, 2022 from the Circuit Court of Cook County. These data include the date of filing, case number, the type of case (single or joint action, due to mortgage foreclosure, etc.), whether it was referred to the Early Resolution Program (ERP), the judgment (if one was issued), and any eviction order and associated order to the sheriff's office. The court also identified which cases were sealed and which were public. The only personal identifiers in eviction court records are tenant names and the property address.

3.2 Tenant Screening Data

To measure the effectiveness of the law in preventing sealed records from being accessed by prospective landlords, we match eviction court records to data from Record Information Services (RIS), a private company that compiles public court records in Illinois. The data from RIS represent what would be easily accessible by a landlord requesting a background check on a prospective tenant. This database allows us investigate the effectiveness of the policy in restricting public access to eviction filing records, an important check because de jure sealing mandates may not always translate to de facto sealing compliance by tenant screening companies. We match the court records to the RIS data using the case filing

number.

3.3 Infutor Address Histories

To measure mobility and housing instability, we track address changes using data from Infutor Data Solutions. Infutor aggregates consumer information (e.g. cell phone bills, credit records, voter files, property deeds, magazine subscriptions, etc.) into an address history that lists exact addresses with start and end dates for most residents in the U.S. Other recent economics literature analyzes similar address history data to, for example, longitudinally follow residents affected by rent control in San Francisco (Diamond et al. 2019), track residential mobility patterns among evicted tenants in New York and Chicago (Collinson et al. 2024), and observe address histories of motorists involved in traffic searches (Feigenberg and Miller 2022).

We match the court records to Infutor address histories using a fuzzy matching algorithm that matches names within a certain radius of geolocated addresses and obtain a 30% match rate.[12] Using these data, we determine how frequently individuals move and measure changes in neighborhood quality using census tract poverty rates and other economic conditions at post-filing addresses. If a public eviction record severely restricts the pool of landlords willing to consider such a tenant, individuals with sealed records may be more likely to relocate to higher-opportunity neighborhoods.

3.4 Credit Bureau Records

To measure financial health, we match the names and addresses from court records to Experian credit files. We observe quarterly snapshots of credit attributes for each quarter of 2022. Our key indicators of financial health include the Vantage credit score, unpaid bills (total balance in collections), durable consumption (any auto loans or leases), and access to credit (any open source of revolving credit such as a credit card). We matched 61% of tenants in our analysis sample to at least one quarterly snapshot of Experian data.[13]

3.5 Data Linkage

We examine in Table 1 whether the probability of matching eviction filings to Infutor and Experian data is correlated with the public status of an eviction filing. In column 1,

[12] Collinson et al. (2024) use names and addresses to match New York City eviction court records to Infutor. While the authors don't explicitly report the match rate, they state that it is much lower than the 40% match they obtain from the name-address linkage to New York City public benefits data.

[13] Collinson et al. (2024) use names and addresses to match Cook County eviction court records filed between 2000 and 2016 to Experian credit files and report a similar match rate of 61.3%.

Table 1: Probability of Matching

	Infutor		Experian	
	OLS	RD	OLS	RD
	(1)	(2)	(3)	(4)
Public Record	-0.013*	-0.028	0.020***	0.038
	(0.007)	(0.026)	(0.007)	(0.029)
Observations	19274	19274	19219	19219

*p< 0.1, **p< 0.05, ***p< 0.01. Columns 1 and 3 report the results of separately regressing measures data availability in either Infutor or Experian on an indicator for a filing record being sealed. Columns 2 and 4 report the conventional RD estimates of discontinuous changes in the match rate to Infutor or Experian around the cutoff filing date. When generating these RD estimates, we impose that the relationship between a successful match and the filing date is linear on either side of the cutoff, use a triangular kernel weighting function, and allow separate bandwidths on each side of the cutoff that minimize the mean square error (MSE) of the RD estimate. The unit of observation is case-tenant.

we regress an indicator for the tenant being matched to Infutor on an indicator for their case being public, and in column 3, we repeat this exercise with an indicator for having a match in Experian. Columns 2 and 4 report RD estimates of any discontinuous change in the relevant match rate around the cutoff filing date. Individuals with public records are slightly less likely to be matched to Infutor and slightly more likely to be matched to Experian. In both cases, however, the magnitude of this relationship is small and in the case of the RD estimates, cannot be statistically distinguished from zero.

4 Empirical Strategy

To estimate the causal impact of a public eviction filing record, the ideal experiment would randomly assign eviction cases to be filed as either public records or under seal. Comparing the mobility and credit trajectories of tenants named in these public or sealed cases would identify the casual impact of the public record on future tenant outcomes. In general, however, the status of Cook County eviction cases as public or sealed is not randomly assigned, meaning that the sealed cases filed between October 4, 2021 and March 31, 2022 may differ from the public cases filed between April 1, 2022 and July 31, 2022 along other dimensions than the public status. For example, cases filed just after the end of the COVID-19 eviction moratorium in Cook County (October 4, 2021) may reflect higher back rents than eviction cases filed long after the moratorium-induced backlog of eviction cases have been filed.

Around April 1, 2022, however, we argue that the public status of an eviction filing is as good as randomly assigned. In the absence of the sealing policy change, tenants named in eviction cases filed just before and just after April 1, 2022 should otherwise have the same expected post-filing trajectories. This holds as long as neither landlords nor tenants manipulated the filing date of eviction cases around the cutoff date and no confounding policy changes altered the characteristics of cases filed around the cutoff date. Under these assumptions, we adopt an RD design that leverages variation in the sealing rules applied to eviction cases filed around April 1, 2022 to identify the causal impact of a public eviction filing record.

4.1 Regression Specification

We estimate the following RD specification:

$$y_i = \beta_0 + \beta_1 \mathbb{1}\{Date_i \geq \tau\} + f(Date_i) + \varepsilon_i \tag{1}$$

where y_i is an outcome for tenants named in eviction case i, $Date_i$ is the filing date of case i, τ is the sealing policy end date (April 1, 2022), and f is linear on either side of the cutoff filing date with separate slopes. When estimating Equation 1, we impose a triangular kernel weighting function and a data-driven bandwidth selector that allows separate bandwidths on each side of the cutoff and minimizes the mean square error (MSE) of the RD estimate (Calonico et al. 2014).[14]

Since some cases filed during the public period maybe be sealed for other reasons unrelated to the COVID-19 Emergency Housing Act, the April 1, 2022 cutoff date does not perfectly predict the public status of eviction cases.[15] As such, the sharp RD estimate of β_1 from Equation 1 corresponds to the intent-to-treat (ITT) effect of the end of the sealing period. To instead estimate the causal impact of the public record, we estimate a fuzzy RD specification that rescales the reduced form estimate of β_1 by the first stage estimate of θ_1 from the following specification:

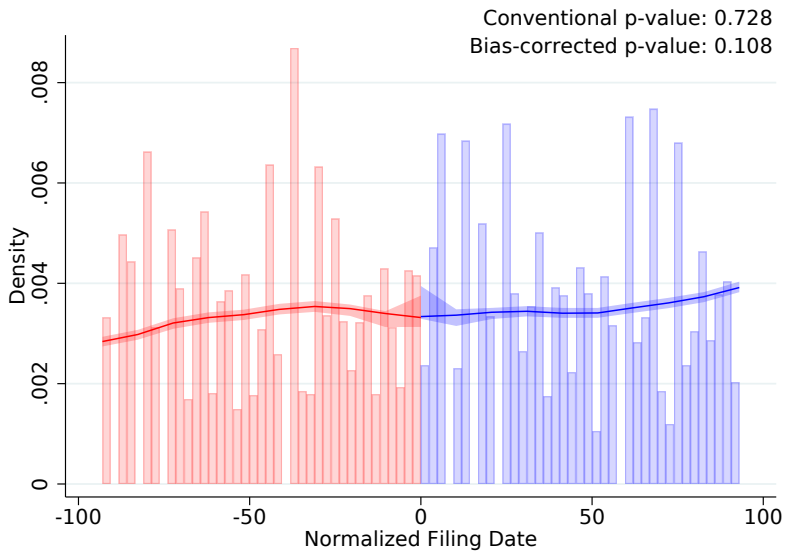
$$Public_i = \theta_0 + \theta_1 \mathbb{1}\{Date_i \geq \tau\} + g(Date_i) + \upsilon_i \tag{2}$$

where $Public_i$ is an indicator for the case i being visible to the public (i.e. found in the

[14]We use the median bandwidth from the following methods: one common MSE-optimal bandwidth selector for the RD treatment-effect estimator, two different MSE-optimal bandwidth selectors (below and above the cutoff), and one common MSE-optimal bandwidth selector for the sum of regression estimates.

[15]Foreclosure-related eviction filings were required to be sealed throughout the entire analysis period. In other rare occurrences, eviction filings may be sealed at the discretion of the court if the court finds the case was filed without sufficient reason. For details, see 735 ILCS 5/9-121.

Figure 2: Density Test



tenant screeing database).

4.2 Validation of the RD Assumptions

The fuzzy RD estimate identifies the causal impact of the public record under the assumptions of (1) no manipulation or sorting of cases around the cutoff date and (2) that the observed and unobserved characteristics of eviction filings are continuous around the cutoff date. To examine the validity of the no manipulation assumption, we test whether the density of eviction cases filed changes discontinuously at the cutoff in Figure 2. The density of eviction filings visually appears smooth around the cutoff, and we cannot reject equal case densities using the data-driven manipulation test by Cattaneo et al. (2020).

To test the validity of the second assumption, we estimate sharp RD estimates of changes in pre-determined characteristics of eviction cases filed across the cutoff date. We find in Table 2 that while may characteristics of eviction cases filed around the cutoff are balanced, eviction cases filed as public records just after the cutoff date are less likely to feature the landlord seeking money (in addition to possession of the rental property) than sealed cases filed just before the cutoff date. In addition, the rental properties associated with the public cases just after the cutoff date are in neighborhoods with lower rents, higher poverty rates, higher Black population share, and lower Hispanic population share than the properties associated with the sealed cases filed just before the end of the sealing period.

As an additional check that the potential outcomes of tenants named in filings around the cutoff date are continuous, we test for discontinuous changes in predicted tenant outcomes

Table 2: Balance of Case Characteristics

	Sealed Period Intercept	Public Period Intercept	Difference	Robust BC p-value
Filing Characteristics				
Case Type: Joint	0.873	0.731	0.142	<0.001
Case Type: Possession Only	0.116	0.263	-0.147	<0.001
Case Type: Foreclosure	0.011	0.005	0.006	0.395
Referral to ERP	0.009	0.008	0.001	0.730
Chicago Property	0.674	0.659	0.015	0.406
Corporate Landlord	0.611	0.662	-0.051	0.164
Census Tract Characteristics				
Rental Vacancy Rate (%)	5.591	5.050	0.541	0.072
Median Rent (2022 $)	1292.600	1217.691	74.909	0.017
Median Family Income (2022 $)	80546.362	76775.104	3771.258	0.322
Pct Family Inc + Benefits < $10k (%)	5.615	7.147	-1.532	0.001
Pct Family Inc + Benefits < $50k (%)	36.560	38.594	-2.034	0.297
Poverty Rate (%)	15.205	18.306	-3.101	0.002
Pct Black (%)	43.104	50.084	-6.980	0.055
Pct Hispanic (%)	23.945	18.967	4.978	0.009
Income Mobility	0.126	0.119	0.007	0.394
Infutor Characteristics				
Avg Tenure Pre-Filing (Mths)	47.534	49.830	-2.296	0.805
Moved Within 6 Mth Pre-Filing	0.165	0.132	0.033	0.494
Moved Within 12 Mth Pre-Filing	0.302	0.300	0.002	0.797

This table reports reduced form RD estimates of the change in case characteristics around the cutoff date. The "Public Period Intercept" and "Sealing Period Intercept" columns report the intercept estimates from each side of the cutoff date, the "Difference" column reports the conventional RD estimate, and the final column provides the robust bias-corrected p-value corresponding to the bias-corrected RD estimate and robust variance estimator. When generating these estimates, we impose that the relationship between the case characteristic and filing date is linear on either side of the cutoff, use a triangular kernel weighting function, and allow separate bandwidths on each side of the cutoff that minimize the mean square error (MSE) of the RD estimate. RD estimates of filing characteristics and census tract characteristics are performed at the case level, and RD estimates of the Infutor characteristics are performed at the case-tenant level. The following census tract characteristics reflect 5-year estimates from the 2022 American Community Survey: rental vacancy rate, median rent, median family income, percent of families with income and benefits below $10,000 and $50,000, the poverty rate, percent Black, and percent Hispanic. Income mobility is defined as the probability of a resident in the census tract reaching the top 20 percent of the national income distribution.

around the cutoff date. We generate predicted Infutor outcomes using coefficients obtained from out-of-sample OLS regressions of outcome variables on the set of covariates from Table 2 for eviction cases filed prior to the COVID-19 pandemic (March 2019 through February 2020). Note that we omit the variables for case type and referral to the ERP from the out-of-sample regressions as these variables are unavailable for pre-pandemic cases. In Table 3, we find no evidence of discontinuous changes in predicted outcomes which is consistent with smooth potential outcomes around the cutoff filing date.

Table 3: Balance of Predicted Outcomes

	Sealed Period Intercept	Public Period Intercept	Difference	Robust BC p-value
Any move since filing	0.449	0.459	-0.010	0.643
Moved within 6 mth	0.311	0.308	0.003	0.862
Moved within 12 mth	0.424	0.428	-0.004	0.632
Moved to higher inc mobility tract within 6 mth	0.133	0.142	-0.009	0.207
Moved to higher inc mobility tract within 12 mth	0.174	0.185	-0.011	0.172
Moved to lower pov rate tract within 6 mth	0.149	0.154	-0.005	0.451
Moved to lower pov rate tract within 12 mth	0.216	0.223	-0.007	0.368

This table reports reduced form RD estimates of the change in predicted tenant outcomes around the cutoff date. The "Public Period Intercept" and "Sealing Period Intercept" columns report the intercept estimates from each side of the cutoff date, the "Difference" column reports the conventional RD estimate, and the final column provides the robust bias-corrected p-value corresponding to the bias-corrected RD estimate and robust variance estimator. When generating these estimates, we impose that the relationship between the predicted outcome and filing date is linear on either side of the cutoff, use a triangular kernel weighting function, and allow separate bandwidths on each side of the cutoff that minimize the mean square error (MSE) of the RD estimate. The unit of observation is the case-tenant.

5 Results

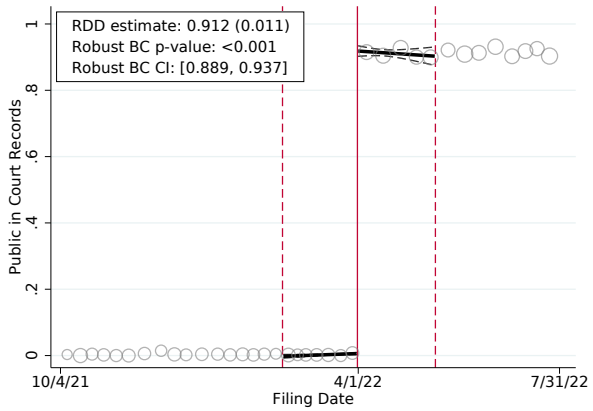
5.1 First Stage Results

We first document that the change in the sealing rules applied to eviction cases filed around April 1, 2022 resulted in a strong first stage effect on the likelihood of an eviction filing being visible to the public. The sharp RD estimate visualized in Figure 3a reveals that the end of the sealing period led to a 91 percentage point increase in the likelihood of an eviction case to be designated as a public record by the court. We interpret this estimate as evidence of de jure compliance with the sealing rules. To examine the de facto compliance with the sealing rules, we also estimate the first stage impact of the end of the sealing period on the likelihood of an eviction filing appearing in the tenant screening database. Figure 3b demonstrates that eliminating the requirement that eviction cases be filed under seal led to a 66 percentage point increase in the likelihood of appearing in the tenant screening database.

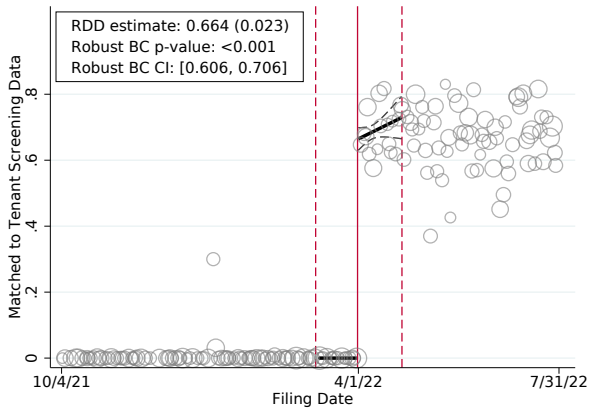
This first stage evidence alone of de facto compliance with the sealing rules is an important contribution to the policy debate around record-sealing laws. Jurisdictions considering similar legislation dedicate considerable attention to the mechanism used to seal records and to regulatory agencies' ability to prevent the distribution of sealed records by tenant screening companies. Given that cases filed during the sealed period of our analysis period in Cook County were automatically sealed at the time of filing, we contribute evidence that this automatic sealing mechanism is effective in preventing tenant screening companies from accessing information about eviction cases and defendants. It remains unclear whether other mechanisms such as retroactive sealing of past eviction cases would be similarly effective.

Figure 3: First Stage Effects

(a) De Jure First Stage Effect



(b) De Facto First Stage Effect



5.2 Residential Mobility Results

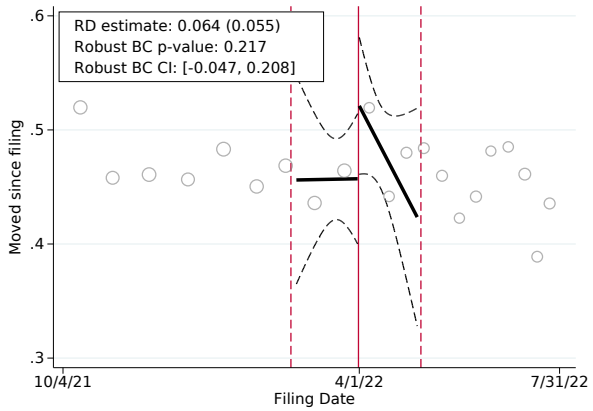
We next present results of the effects of a public eviction filing record on tenants' residential mobility patterns in the short run. These outcomes are constructed from linking Cook County Court records to Infutor address histories. In this section, we include regression discontinuity plots from the sharp RD specification (Equation 1). Appendix Tables A2 and A3 report both the sharp and fuzzy RD estimates.

Figure 4 plots the reduced form effects of the end of the sealing period on the likelihood of a tenant moving to a new address since the eviction filing date. Figure 4b suggests that individuals with a filing date during the public period are 11.4 percentage points (36%) more likely to move (i.e. have a new address in Infutor) within six months after the eviction filing date. Fuzzy RD estimates suggest that a public eviction filing record leads to a 17.5 percentage point (56%) increase in the likelihood of moving within six months. (Appendix Table A2). We find similar magnitudes of increased mobility for tenants with public records measured twelve months after the filing. These estimates, however, appear to be driven by a small number of cases filed just after April 1, which could reflect imbalance of case covariates perhaps arising from differences in characteristics of cases filed early in the month just after rent payments are due.

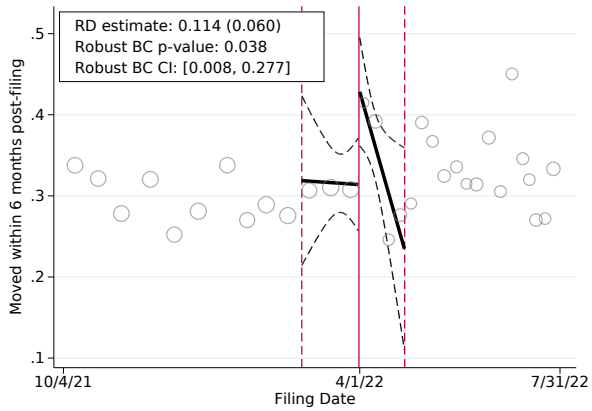
If the mobility estimates indeed reflect the causal impact of the public record, welfare implications of this result remain unclear. On one hand, moving could be a sign of greater housing instability among tenants with public records relative to the tenants with sealed records. On the other hand, evidence of a move in Infutor could also reflect more stable

Figure 4: Moved Since Filing

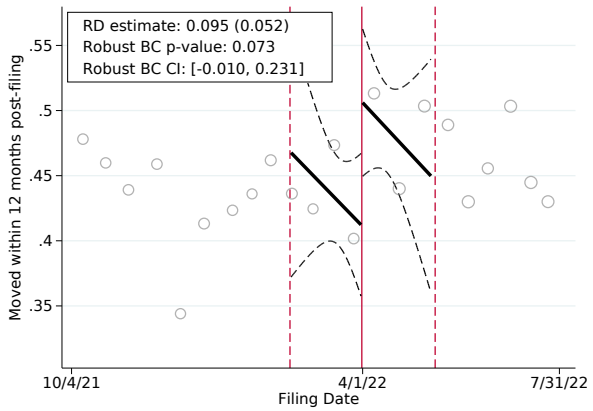
(a) Any Move



(b) Moved Within 6 Months



(c) Moved Within 12 Months

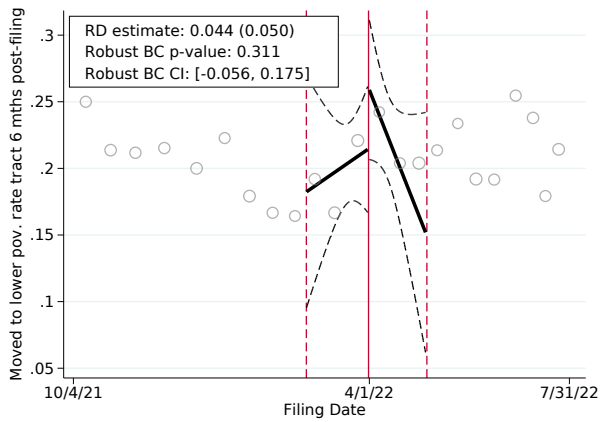


housing among tenants with public records given that informal housing arrangements (e.g. staying on a friend or relative's couch) are unlikely to appear as a move in the Infutor database. To understand whether increased mobility reflects moves to lower or higher-opportunity neighborhoods, Figure 5 explores whether tenants with cases filed around the cutoff date had different likelihoods of moving to neighborhoods with higher opportunity (lower poverty rates or higher income mobility). These estimates in Figure 5 and Appendix Table A3, however, are imprecise, making it difficult to determine any welfare changes resulting from these moves.

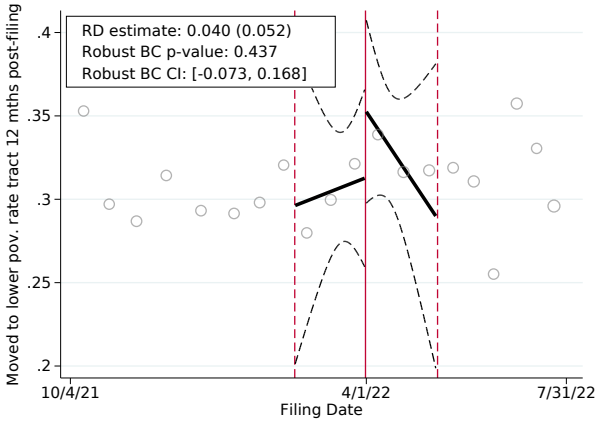
The relatively low match rate (30%) of court records to Infutor data as discussed in Section 3.5 limits the precision of our residential mobility results. Additionally, any impacts on mobility and neighborhood quality may be smaller and more difficult to detect in the short run if the initial negative shock of the eviction filing impacts both treated and control tenants and the public record only becomes salient in the long run as renters attempt to

Figure 5: Moved to Better Neighborhood Since Filing

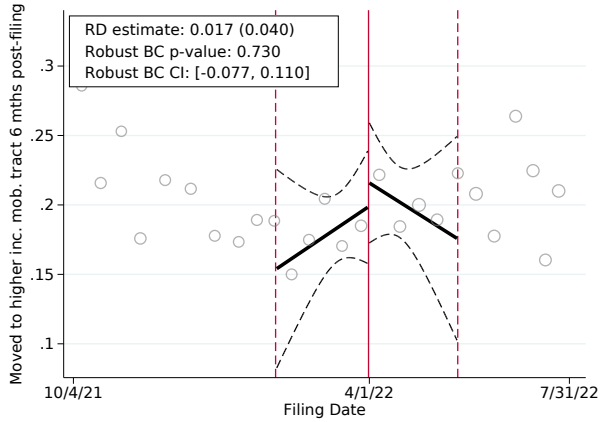
(a) Lower Poverty Tract Within 6 Months



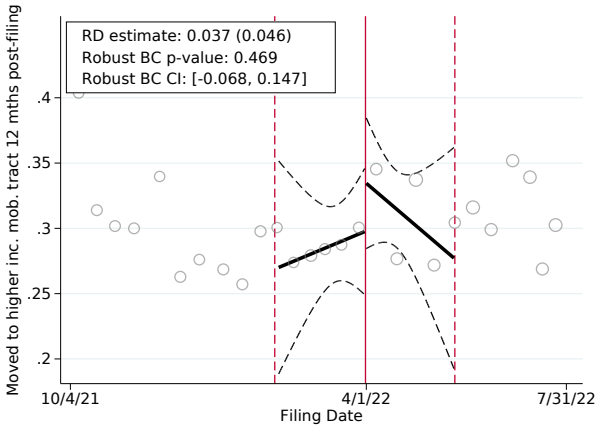
(b) Lower Poverty Tract Within 12 Months



(c) Higher Inc. Mobility Tract Within 6 Months



(d) Higher Inc. Mobility Tract Within 12 Months



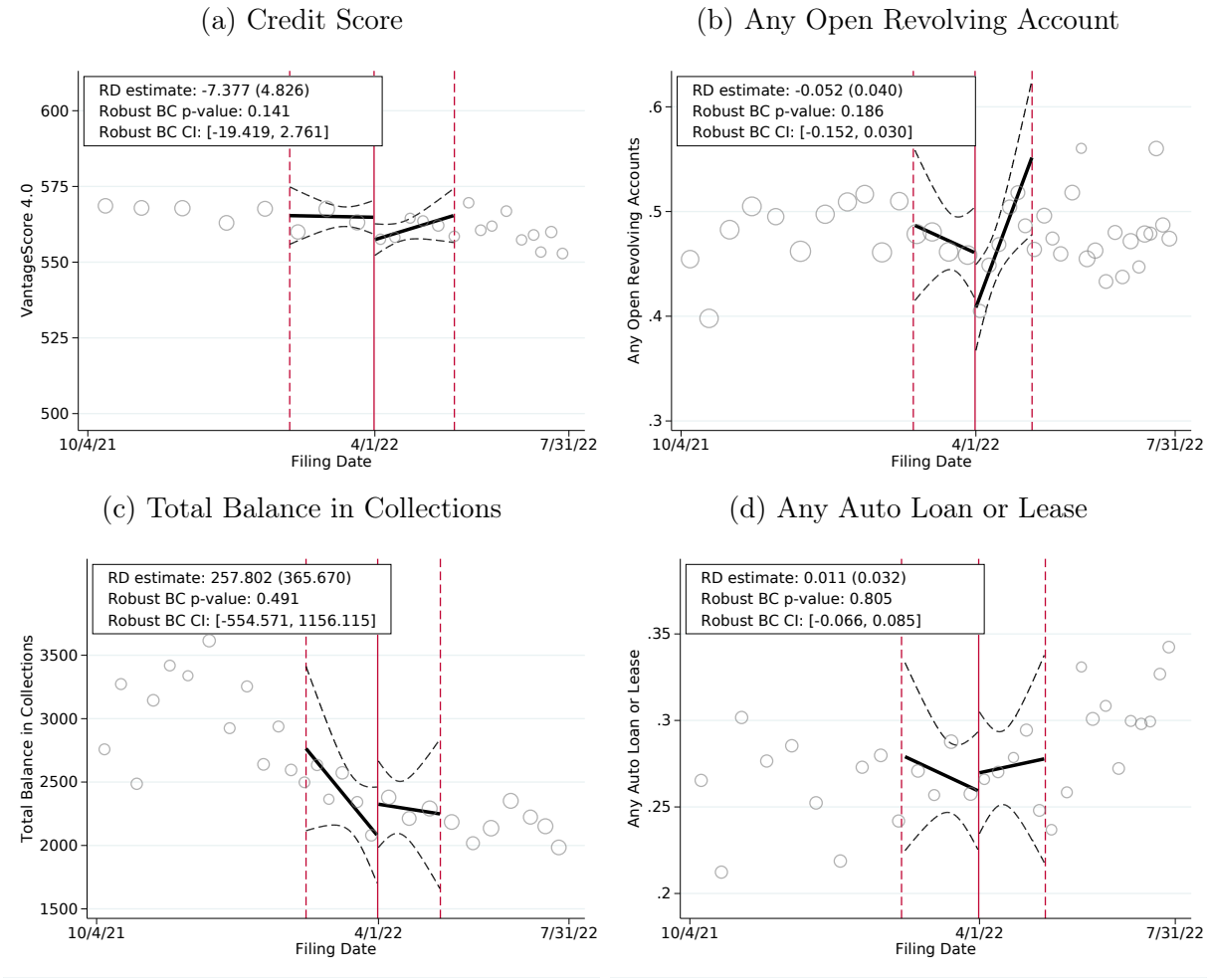
recover from the negative shock.

5.3 Financial Health Results

We next present results of the effects of a public eviction filing record on tenants' financial health in the short run. These outcomes are constructed from linking Cook County Court records to snapshots of Experian credit files in quarter 4 of 2022. These outcomes therefore correspond to financial health measured between six and nine months after the cutoff filing date. Figure 6 plots the reduced form effects of the end of the sealing period on four measures of financial health. Appendix Table A4 reports these plotted sharp RD estimates in more detail along with fuzzy RD estimates.

We estimate changes to credit performance in Figure 6a and find that tenants with filings during the public period have lower credit scores by 7.38 points (1.31%). While these

Figure 6: Financial Health in 2022 Q4



estimates are statistically insignificant (p-value = 0.141), we cannot reject that tenants with cases filed during the public period had credit score losses of up to 19.42 points (3.4%) relative to the tenants with filings during the sealing period. Fuzzy RD estimates, although also statistically insignificant (p-value = 0.14), suggest that a public record leads to a 10.72 point (1.9%) decline in credit scores (Appendix Table A4). It is important to note that eviction filing records do not mechanically enter a credit score, meaning that any impacts of the public record on credit scores must arise from any changes in financial behavior induced by the presence of the public record.

In Figure 6b, we estimate changes to credit access, measured by whether the individual has any open revolving account such as a credit card. We find that tenants with filings during the public period are 5.3 percentage points (11%) less likely to have an open revolving account, but again this coefficient is not statistically significant (p-value = 0.186). Similarly, the fuzzy RD estimates (Appendix Table A4) are also marginally insignificant (p-value =

0.179), but may be suggestive of the public record generating a 7.6 percentage point (16.5%) decline in access to revolving sources of credit. Given the imprecision of this estimates, we cannot reject large losses in credit access from the existence of a public eviction filing record. Specifically, we cannot reject that tenants with cases filed during the public period had up 15.2 percentage points (33%) lower access to revolving sources of credit than tenants with filings during the sealing period.

We study changes in unpaid bills, as measured by tenants' total balance in collections, in Figure 6c and find no conclusive evidence of changes to tenants' total balance in collections after the sealing period ended. Although the RD coefficient is positive, which is consistent with the public record leading to more unpaid bills, the estimate is highly imprecise. Lastly, in Figure 6d we find no evidence of changes to durable consumption, as measured by auto loans or leases, for tenants with public eviction filing records.

While each of these estimates of financial health impacts are statistically insignificant, the signs of the RD coefficients suggest that tenants with public eviction filing records may have poorer credit performance and access in the short run. Given that public eviction filing records are visible on consumer reports for seven years, it is possible that any financial health declines from the existence of the public record could worsen over a longer time horizon than the six to nine month post-filing period studied here. If so, any causal impacts of eviction public records on tenants' financial health may be detectable in future work studying long run outcomes.

6 Conclusion

An estimated 3.2 million unique individuals are listed on eviction filing records annually in the U.S. (Graetz et al. 2023). While an eviction filing is undoubtedly a negative shock to renters as it represents a high likelihood of housing loss, many argue that the public record associated with the filing is harmful itself in the aftermath of a filing (Franzese 2018; Kiviat 2019). In this paper, we estimate causal impacts of public eviction filing records by leveraging variation in the public availability of eviction filings from a record-sealing policy in Illinois.

We find some evidence that a public record of an eviction filing may increase residential mobility in the short run relative to sealed filings but detect no conclusive evidence of changes to neighborhood quality. We also find suggestive evidence that public eviction filing records may worsen credit access and performance in the short run. A longer-run analysis is necessary to better understand these causal impacts of public eviction filing records for affected tenants. Additional future work may study whether eviction record-sealing poli-

cies generate any negative spillovers on others in the rental housing market in the form of statistical discrimination by landlords when screening potential tenants.

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Appendix: Supplemental Tables

Table A1: Other Recent Changes to Eviction Record-Sealing Laws

Location	Year	Summary
Arizona	2022	The court must enter an order for sealing eviction case records if the case is dismissed pre-judgment or the court enters a judgment in favor of the tenant. See Arizona House Bill 2485 for details.
California	2017	Eviction case records are automatically and permanently sealed from the time of filing unless the landlord prevails at a trial within 60 days of filing the complaint. See California Code of Civil Procedure §1161.2 for details.
Cleveland, OH	2018	Eviction case records may be sealed upon request if the case was dismissed or the court ruled in favor of the tenant. If the landlord won an eviction judgment against the tenant, the tenant must wait at least five years to ask for the record to be sealed.
Colorado	2020	Eviction case records are sealed from the time of filing and are made public if the landlord wins possession of the property. See Colorado House Bill 20-1009 for details.
Connecticut	2024	Eviction case records are to be sealed within 30 days of an eviction case being withdrawn, a judgment of dismissal, or a judgment in favor of the tenant. See Connecticut Public Act No. 23-207 Sec. 23 for details.
Indiana	2022	Tenants can request eviction court records be sealed if case was dismissed, the case resulted in a judgment in favor of the tenant, or a judgment against the tenant was overturned or vacated. See Indiana House Enrolled Act 1214 for details.
Minnesota	2024	Eviction records are sealed until the court enters a final judgment. Eviction cases qualify for mandatory expungement if the case was related to a deed cancellation or mortgage foreclosure, the case was settled, the tenant prevailed, the case was dismissed, the parties agreed to an expungement, or three years have passed since the eviction order. The law also allows for discretionary expungement in some cases. See Minn. Stat. § 484.014 and § 504B.321, Subd. 6 for details.

Table A1 – Continued

Location	Year	Summary
Nevada	2019, 2021	Eviction case records are automatically sealed if the case was dismissed, 10 days after the eviction was denied, or 31 days after the tenant files the tenant's affidavit if landlord does not respond. COVID-19 era cases filed over non-payment of rent are also to be automatically sealed. Cases may be sealed upon request under other conditions. See Nev. Rev. Stat. § 40.2545 for details.
New Jersey	2021	Seals court records of non-payment eviction actions initiated during the COVID-19 pandemic. See New Jersey P.L. 2021, Chapter 189 for details.
Oregon	2020	Allows for eviction records to be expunged if the case was dismissed, the tenant prevailed, the tenant completed agreements made in court, or the case is five years old and no money is owed. Pandemic-era cases can also be expunged. For details, see Oregon Senate Bill 873, 80th Leg. Assemb., 2019 Reg. Sess. (Or. 2020).
Rhode Island	2024	Eviction court records may be sealed at least 30 days after the conclusion of the case if the case was dismissed, settled, or any monetary judgment has been satisfied. See R.I. Gen. Laws § 34-18-60 for details.
Texas	2021	If a landlord and tenant enter mediation through the Texas Eviction Diversion Program, the case records are sealed. See Executive Order No. 27 by the Supreme Court of Texas for details.
Utah	2022	For eviction cases filed after July 1, 2022, case records are automatically expunged if the case was dismissed, no appeal is pending, and at least three years have passed since filing. Eviction cases filed before July 1, 2022may be expunged upon request if the case was caused by remaining after the end of the lease or non-payment of rent, and any judgment has been satisfied. See Utah State Statute Title 78B, Chapter 6, Part 8a for details.
Washington, DC	2022	Eviction case records are sealed 30 days after resolution if the case did not result in a judgement for the landlord and 3 years after resolution if the case resulted in a judgement for the landlord. See the D.C. Law 24-115 for details.

Notes: Year indicates the year the policy went into effect. Sealing a record is different from expungement. An expungement erases the record while sealing removes the record from public view. See the NLIHC State and Local Tenant Protections Database for a compilation of record-sealing and other tenant protections.

Table A2: Infutor Mobility

	Moved Since Filing		Moved Within 6 Mth		Moved Within 12 Mth	
	Sharp (1)	Fuzzy (2)	Sharp (3)	Fuzzy (4)	Sharp (5)	Fuzzy (6)
RD Estimate	0.064	0.098	0.114*	0.175*	0.095*	0.145*
	(0.055)	(0.085)	(0.060)	(0.092)	(0.052)	(0.079)
Observations	1498	1498	1187	1187	1695	1695
Bias-corrected p-value	0.217	0.212	0.038	0.038	0.073	0.074
Bandwidth (left)	41.305	41.305	35.021	35.021	44.679	44.679
Bandwidth (right)	37.223	37.223	27.151	27.151	44.598	44.598
Control mean	0.457	0.457	0.314	0.314	0.411	0.411

*p< 0.1, **p< 0.05, ***p< 0.01. This table reports RD estimates of changes to residential mobility. Each reported coefficient is the conventional RD estimate generating from a specification that imposes that the relationship between the outcome and the filing date is linear on either side of the cutoff, uses a triangular kernel weighting function, and allows separate bandwidths on each side of the cutoff that minimize the mean square error (MSE) of the RD estimate. The fuzzy RD estimates use an indicator for the case appearing in the tenant screening database as the first stage measure of treatment and use the same data-driven bandwidths as the corresponding sharp RD specification. The bias-corrected p-value corresponds to the bias-corrected RD estimate and robust variance estimator. The control mean reports the intercept of the linear relationship between the outcome and the filing date with the left (sealed) side of the cutoff. The unit of observation is case-tenant.

Table A3: Infutor Neighborhood Quality

	Higher Inc Mobility Tract Within 6 Mth		Higher Inc Mobility Tract Within 12 Mth		Lower Poverty Tract Within 6 Mth		Lower Poverty Tract Within 12 Mth	
	Sharp (1)	Fuzzy (2)	Sharp (3)	Fuzzy (4)	Sharp (5)	Fuzzy (6)	Sharp (7)	Fuzzy (8)
RD Estimate	0.017	0.026	0.036	0.056	0.044	0.069	0.039	0.062
	(0.040)	(0.062)	(0.046)	(0.071)	(0.050)	(0.079)	(0.052)	(0.081)
Observations	1934	1934	1892	1892	1368	1368	1550	1550
Bias-corrected p-value	0.730	0.734	0.469	0.473	0.311	0.305	0.437	0.433
Bandwidth (left)	56.7	56.7	55.374	55.374	38.104	38.104	43.29	43.29
Bandwidth (right)	53.464	53.464	53.541	53.541	34.798	34.798	43.083	43.083
Control mean	0.199	0.199	0.298	0.298	0.215	0.215	0.313	0.313

*p< 0.1, **p< 0.05, ***p< 0.01. This table reports RD estimates of changes to neighborhood quality. Each reported coefficient is the conventional RD estimate generating from a specification that imposes that the relationship between the outcome and the filing date is linear on either side of the cutoff, uses a triangular kernel weighting function, and allows separate bandwidths on each side of the cutoff that minimize the mean square error (MSE) of the RD estimate. The fuzzy RD estimates use an indicator for the case appearing in the tenant screening database as the first stage measure of treatment and use the same data-driven bandwidths as the corresponding sharp RD specification. The bias-corrected p-value corresponds to the bias-corrected RD estimate and robust variance estimator. The control mean reports the intercept of the linear relationship between the outcome and the filing date with the left (sealed) side of the cutoff. The unit of observation is case-tenant.

Table A4: Financial Health in 2022 Q4

	Credit Score (VantageScore 4.0)		Any Open Revolving Account		Total Balance in Collections		Total Balance on Auto Loans	
	Sharp (1)	Fuzzy (2)	Sharp (3)	Fuzzy (4)	Sharp (5)	Fuzzy (6)	Sharp (7)	Fuzzy (8)
RD Estimate	-7.377	-10.717	-0.052	-0.076	257.801	380.860	0.011	0.016
	(4.826)	(7.007)	(0.040)	(0.059)	(365.670)	(540.662)	(0.032)	(0.048)
Observations	4136	4136	2959	2959	3520	3520	3573	3573
Bias-corrected p-value	0.141	0.140	0.186	0.179	0.491	0.482	0.805	0.801
Bandwidth (left)	53.101	53.101	37.988	37.988	46.008	46.008	48.183	48.183
Bandwidth (right)	49.581	49.581	34.118	34.118	39.299	39.299	40.693	40.693
Control mean	564.821	564.821	0.460	0.460	2067.556	2067.556	0.259	0.259

*p< 0.1, **p< 0.05, ***p< 0.01. This table reports RD estimates of changes in the financial health characteristics measured in the fourth quarter of 2022. Each reported coefficient is the conventional RD estimate generating from a specification that imposes that the relationship between the outcome and the filing date is linear on either side of the cutoff, uses a triangular kernel weighting function, and allows separate bandwidths on each side of the cutoff that minimize the mean square error (MSE) of the RD estimate. The fuzzy RD estimates use an indicator for the case appearing in the tenant screening database as the first stage measure of treatment and use the same data-driven bandwidths as the corresponding sharp RD specification. The bias-corrected p-value corresponds to the bias-corrected RD estimate and robust variance estimator. The control mean reports the intercept of the linear relationship between the outcome and the filing date with the left (sealed) side of the cutoff. The unit of observation is case-tenant.