



House of Representatives

General Assembly

File No. 170

January Session, 2021

Substitute House Bill No. 6528

House of Representatives, March 29, 2021

The Committee on Housing reported through REP. MCGEE of the 5th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE SEALING OF EVICTION RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section and
2 section 2 of this act, unless the context otherwise requires, "consumer
3 reporting agency" has the same meaning as provided in 15 USC 1681a,
4 as amended from time to time, and further includes any tenant
5 screening or other background screening provider.

6 (b) All records of cases of summary process matters pursuant to
7 chapter 832 of the general statutes, including access to the online docket,
8 and all records of appeal under chapter 832 of the general statutes, shall
9 be sealed and confidential and for the use of the court in housing
10 matters, and open to inspection or disclosure to any third party,
11 including bona fide researchers commissioned by a state agency, only
12 upon order of the Superior Court, except as provided in subsections (c)
13 and (d) of this section. Such order may be granted ex parte upon the
14 third-party's motion and showing of good cause. For purposes of this
15 subsection, "good cause" includes, but is not limited to, the gathering of

16 newsworthy facts or information or for scholarly, educational,
17 journalistic or governmental purposes, but does not include the
18 collection of information to be provided or used by a consumer
19 reporting agency or by a landlord in making decisions regarding
20 whether and on what terms to lease a dwelling unit to a prospective
21 tenant. If the Superior Court determines that good cause exists to
22 provide such records pursuant to this subsection, the Superior Court
23 shall redact or alter all defendants' names to appellations such as "Jane
24 Doe" or "John Doe" and shall redact any personally identifiable
25 information of a defendant unless doing so is necessary to fulfill the
26 purposes of the request for access. A decision by the Superior Court
27 denying access pursuant to this subsection shall be considered a final
28 order for purposes of appeal.

29 (c) The records described in subsection (b) of this section shall be
30 available without a court order to:

31 (1) A party to the action, including a party's attorney or any designee
32 acting on a summary process defendant's behalf for the sole purpose of
33 providing assistance to such party. A party may request online access to
34 the court docket by contacting the clerk's office. Upon the filing of the
35 writ, summons and complaint in the Superior Court, the clerk of the
36 court shall mail a notice to each defendant informing the defendant how
37 to obtain access to the online docket. Such notice shall be written simply
38 and understandably in both English and Spanish;

39 (2) An occupant of the premises who is the subject of the action, who
40 provides the clerk with the name of one of the parties or the case number
41 and shows proof of occupancy. Such proof of occupancy may consist of
42 one or more of the following: (A) A piece of mail addressed to the
43 occupant at the premises; (B) a utility bill or similar documentation in
44 the occupant's name; (C) a government-provided identification listing
45 the premises as an address; or (D) other means that reasonably identifies
46 the individual to the clerk as an occupant of the premises;

47 (3) An attorney licensed to practice law in the state who has an active
48 account in the electronic system of filing documents with the Judicial

49 Branch, provided no attorney shall access the online docket of a
50 residential summary process matter in which the attorney is not
51 representing a party unless the attorney first certifies that such attorney
52 (A) is accessing such docket for the purpose of advising or representing
53 a client or prospective client in such case or a materially related case,
54 and (B) will not, without permission from the tenant to which the
55 information relates, disclose or share outside such attorney's firm any
56 information gathered from the online docket to any person or entity
57 who is not a party, or such party's attorney, to the case in question or a
58 materially related case. A knowingly false certification pursuant to this
59 subsection shall subject an attorney to discipline pursuant to section 51-
60 90e of the general statutes; and

61 (4) Employees of the Judicial Branch who, in the performance of their
62 duties, require access to such records.

63 (d) All records of cases of summary process matters pursuant to
64 chapter 832 of the general statutes, including access to the online docket,
65 shall be unsealed after five days if a judgment of possession for the
66 plaintiff based upon nonpayment of rent, breach of the lease or nuisance
67 or serious nuisance is entered after trial. If an appeal is taken from such
68 judgment, such unsealing shall be delayed until five days after
69 judgment becomes final and all rights of appeal are exhausted. Upon
70 motion of a party and a showing of good cause, (1) a case otherwise
71 ineligible for sealing may be ordered sealed, and (2) a case eligible for
72 sealing may be ordered unsealed. Nothing in this section shall preclude
73 the parties, by agreement, from maintaining the sealed status of any
74 case.

75 (e) Nothing in this section shall be construed to prevent the release of
76 anonymized and aggregated data relating to summary process matters,
77 including (1) caseload data, (2) statistics regarding disposition, (3)
78 aggregate demographic characteristics of parties, and (4) similar
79 information, provided such data is presented in such a way as to
80 reasonably prevent the identification of individual defendants whose
81 cases have not been unsealed pursuant to subsection (b), (c) or (d) of this

82 section.

83 (f) The Judicial Branch shall make any necessary modifications to the
84 system on the Internet web site of the Judicial Branch for accessing
85 online records described in subsection (b) of this section to ensure that
86 the requirements of this section are met, including, but not limited to,
87 by requiring a certification of any attorney to access an online docket of
88 a summary process matter as set forth in subdivision (3) of subsection
89 (c) of this section. The Judicial Branch shall not sell or otherwise provide
90 information, whether digital or otherwise, to a consumer reporting
91 agency regarding summary process matters that have not been unsealed
92 pursuant to subsection (b), (c) or (d) of this section.

93 Sec. 2. (NEW) (*Effective from passage*) (a) No landlord of a dwelling
94 unit shall refuse to rent or offer a lease to a potential tenant, nor shall a
95 consumer reporting agency recommend against renting or offering a
96 lease to a potential tenant, on the basis that the potential tenant was
97 involved in a past or pending summary process action, unless such
98 action has been unsealed pursuant to subsection (b), (c) or (d) of section
99 1 of this act. There shall be a rebuttable presumption that a person is in
100 violation of this subsection if it is established that the person requested
101 information regarding a summary process action relating to a potential
102 tenant that has not been unsealed pursuant to subsection (b), (c) or (d)
103 of section 1 of this act from a consumer reporting agency or otherwise
104 inspected court records relating to a potential tenant and the person
105 subsequently refused to rent or offer a lease to the potential tenant.

106 (b) A landlord of a dwelling unit who refuses to rent or offer a lease
107 to a potential tenant shall provide a written explanation describing the
108 reason or reasons for denying such tenant's application. Knowingly
109 providing a false reason or reasons for denying a tenant's application
110 shall be deemed an unfair or deceptive trade practice under section 42-
111 110b of the general statutes.

112 (c) An individual aggrieved by a landlord's or consumer reporting
113 agency's violation of subsection (a) of this section may file a complaint
114 with the Commission on Human Rights and Opportunities pursuant to

115 section 46a-82 of the general statutes. A violation of subsection (a) of this
116 section shall constitute a discriminatory housing practice pursuant to
117 section 46a-64c of the general statutes, as amended by this act, for the
118 purposes of filing a complaint, investigation and administrative
119 enforcement pursuant to chapter 814c of the general statutes, but shall
120 not permit an individual to bring an action directly in the Superior Court
121 pursuant to section 46a-98a of the general statutes.

122 (d) Nothing in this section shall be construed to prevent a landlord
123 from denying an application for a tenancy solely on the basis of present
124 insufficient income or that an applicant is likely to materially damage
125 the premises or threaten the health or safety of the landlord or other
126 tenants.

127 Sec. 3. Section 46a-64c of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective from passage*):

129 (a) It shall be a discriminatory practice in violation of this section:

130 (1) To refuse to sell or rent after the making of a bona fide offer, or to
131 refuse to negotiate for the sale or rental of, or otherwise make
132 unavailable or deny, a dwelling to any person because of race, creed,
133 color, national origin, ancestry, sex, gender identity or expression,
134 marital status, age, lawful source of income, familial status or status as
135 a veteran.

136 (2) To discriminate against any person in the terms, conditions, or
137 privileges of sale or rental of a dwelling, or in the provision of services
138 or facilities in connection therewith, because of race, creed, color,
139 national origin, ancestry, sex, gender identity or expression, marital
140 status, age, lawful source of income, familial status or status as a
141 veteran.

142 (3) To make, print or publish, or cause to be made, printed or
143 published any notice, statement, or advertisement, with respect to the
144 sale or rental of a dwelling that indicates any preference, limitation, or
145 discrimination based on race, creed, color, national origin, ancestry, sex,

146 gender identity or expression, marital status, age, lawful source of
147 income, familial status, learning disability, physical or mental disability
148 or status as a veteran, or an intention to make any such preference,
149 limitation or discrimination.

150 (4) (A) To represent to any person because of race, creed, color,
151 national origin, ancestry, sex, gender identity or expression, marital
152 status, age, lawful source of income, familial status, learning disability,
153 physical or mental disability or status as a veteran that any dwelling is
154 not available for inspection, sale or rental when such dwelling is in fact
155 so available.

156 (B) It shall be a violation of this subdivision for any person to restrict
157 or attempt to restrict the choices of any buyer or renter to purchase or
158 rent a dwelling (i) to an area which is substantially populated, even if
159 less than a majority, by persons of the same protected class as the buyer
160 or renter, (ii) while such person is authorized to offer for sale or rent
161 another dwelling which meets the housing criteria as expressed by the
162 buyer or renter to such person, and (iii) such other dwelling is in an area
163 which is not substantially populated by persons of the same protected
164 class as the buyer or renter. As used in this subdivision, "area" means
165 municipality, neighborhood or other geographic subdivision which
166 may include an apartment or condominium complex; and "protected
167 class" means race, creed, color, national origin, ancestry, sex, gender
168 identity or expression, marital status, age, lawful source of income,
169 familial status, learning disability, physical or mental disability or status
170 as a veteran.

171 (5) For profit, to induce or attempt to induce any person to sell or rent
172 any dwelling by representations regarding the entry or prospective
173 entry into the neighborhood of a person or persons of a particular race,
174 creed, color, national origin, ancestry, sex, gender identity or expression,
175 marital status, age, lawful source of income, familial status, learning
176 disability, physical or mental disability or status as a veteran.

177 (6) (A) To discriminate in the sale or rental, or to otherwise make
178 unavailable or deny, a dwelling to any buyer or renter because of a

179 learning disability or physical or mental disability of: (i) Such buyer or
180 renter; (ii) a person residing in or intending to reside in such dwelling
181 after it is so sold, rented, or made available; or (iii) any person associated
182 with such buyer or renter.

183 (B) To discriminate against any person in the terms, conditions or
184 privileges of sale or rental of a dwelling, or in the provision of services
185 or facilities in connection with such dwelling, because of a learning
186 disability or physical or mental disability of: (i) Such person; or (ii) a
187 person residing in or intending to reside in such dwelling after it is so
188 sold, rented, or made available; or (iii) any person associated with such
189 person.

190 (C) For purposes of this subdivision, discrimination includes: (i) A
191 refusal to permit, at the expense of a person with a physical or mental
192 disability, reasonable modifications of existing premises occupied or to
193 be occupied by such person if such modifications may be necessary to
194 afford such person full enjoyment of the premises; except that, in the
195 case of a rental, the landlord may, where it is reasonable to do so,
196 condition permission for a modification on the renter agreeing to restore
197 the interior of the premises to the condition that existed before the
198 modification, reasonable wear and tear excepted; (ii) a refusal to make
199 reasonable accommodations in rules, policies, practices or services,
200 when such accommodations may be necessary to afford such person
201 equal opportunity to use and enjoy a dwelling; (iii) in connection with
202 the design and construction of covered multifamily dwellings for the
203 first occupancy after March 13, 1991, a failure to design and construct
204 those dwellings in such manner that they comply with the requirements
205 of Section 804(f) of the Fair Housing Act or the provisions of the state
206 building code as adopted pursuant to the provisions of sections 29-269
207 and 29-273, whichever requires greater accommodation. "Covered
208 multifamily dwellings" means buildings consisting of four or more units
209 if such buildings have one or more elevators, and ground floor units in
210 other buildings consisting of four or more units.

211 (7) For any person or other entity engaging in residential real-estate-

212 related transactions to discriminate against any person in making
213 available such a transaction, or in the terms or conditions of such a
214 transaction, because of race, creed, color, national origin, ancestry, sex,
215 gender identity or expression, marital status, age, lawful source of
216 income, familial status, learning disability, physical or mental disability
217 or status as a veteran.

218 (8) To deny any person access to or membership or participation in
219 any multiple-listing service, real estate brokers' organization or other
220 service, organization, or facility relating to the business of selling or
221 renting dwellings, or to discriminate against him in the terms or
222 conditions of such access, membership or participation, on account of
223 race, creed, color, national origin, ancestry, sex, gender identity or
224 expression, marital status, age, lawful source of income, familial status,
225 learning disability, physical or mental disability or status as a veteran.

226 (9) To coerce, intimidate, threaten, or interfere with any person in the
227 exercise or enjoyment of, or on account of his having exercised or
228 enjoyed, or on account of his having aided or encouraged any other
229 person in the exercise or enjoyment of, any right granted or protected
230 by this section.

231 (10) To refuse to rent or offer a lease to a potential tenant, or for a
232 consumer reporting agency, as defined in section 1 of this act, to
233 recommend against renting or offering a lease to a potential tenant, on
234 the basis that the tenant was involved in a past or pending summary
235 process action pursuant to chapter 832, unless such action has been
236 unsealed pursuant to subsection (b), (c) or (d) of section 1 of this act.

237 (b) (1) The provisions of this section shall not apply to (A) the rental
238 of a room or rooms in a single-family dwelling unit if the owner actually
239 maintains and occupies part of such living quarters as his residence or
240 (B) a unit in a dwelling containing living quarters occupied or intended
241 to be occupied by no more than two families living independently of
242 each other, if the owner actually maintains and occupies the other such
243 living quarters as his residence. (2) The provisions of this section with
244 respect to the prohibition of discrimination on the basis of marital status

245 shall not be construed to prohibit the denial of a dwelling to a man or a
246 woman who are both unrelated by blood and not married to each other.
247 (3) The provisions of this section with respect to the prohibition of
248 discrimination on the basis of age shall not apply to minors, to special
249 discount or other public or private programs to assist persons sixty
250 years of age and older or to housing for older persons as defined in
251 section 46a-64b, provided there is no discrimination on the basis of age
252 among older persons eligible for such housing. (4) The provisions of this
253 section with respect to the prohibition of discrimination on the basis of
254 familial status shall not apply to housing for older persons as defined in
255 section 46a-64b or to a unit in a dwelling containing units for no more
256 than four families living independently of each other, if the owner of
257 such dwelling resides in one of the units. (5) The provisions of this
258 section with respect to the prohibition of discrimination on the basis of
259 lawful source of income shall not prohibit the denial of full and equal
260 accommodations solely on the basis of insufficient income. (6) The
261 provisions of this section with respect to the prohibition of
262 discrimination on the basis of sex shall not apply to the rental of sleeping
263 accommodations to the extent they utilize shared bathroom facilities
264 when such sleeping accommodations are provided by associations and
265 organizations which rent such sleeping accommodations on a
266 temporary or permanent basis for the exclusive use of persons of the
267 same sex based on considerations of privacy and modesty.

268 (c) Nothing in this section limits the applicability of any reasonable
269 state statute or municipal ordinance restricting the maximum number
270 of persons permitted to occupy a dwelling.

271 (d) Nothing in this section or section 46a-64b shall be construed to
272 invalidate or limit any state statute or municipal ordinance that requires
273 dwellings to be designed and constructed in a manner that affords
274 persons with physical or mental disabilities greater access than is
275 required by this section or section 46a-64b.

276 (e) Nothing in this section prohibits a person engaged in the business
277 of furnishing appraisals of real property to take into consideration

278 factors other than race, creed, color, national origin, ancestry, sex,
279 gender identity or expression, marital status, age, lawful source of
280 income, familial status, learning disability, physical or mental disability
281 or status as a veteran.

282 (f) Notwithstanding any other provision of this chapter, complaints
283 alleging a violation of this section shall be investigated within one
284 hundred days of filing and a final administrative disposition shall be
285 made within one year of filing unless it is impracticable to do so. If the
286 Commission on Human Rights and Opportunities is unable to complete
287 its investigation or make a final administrative determination within
288 such time frames, it shall notify the complainant and the respondent in
289 writing of the reasons for not doing so.

290 (g) Any person who violates any provision of this section shall be
291 guilty of a class D misdemeanor.

292 Sec. 4. Section 47a-1 of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective from passage*):

294 As used in this chapter, [and] sections 47a-21, 47a-23 to 47a-23c,
295 inclusive, 47a-26a to 47a-26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-
296 41a, 47a-43 and 47a-46 and sections 1 and 2 of this act:

297 (a) "Action" includes recoupment, counterclaim, set-off, cause of
298 action and any other proceeding in which rights are determined,
299 including an action for possession.

300 (b) "Building and housing codes" include any law, ordinance or
301 governmental regulation concerning fitness for habitation or the
302 construction, maintenance, operation, occupancy, use or appearance of
303 any premises or dwelling unit.

304 (c) "Dwelling unit" means any house or building, or portion thereof,
305 which is occupied, is designed to be occupied, or is rented, leased or
306 hired out to be occupied, as a home or residence of one or more persons.

307 (d) "Landlord" means the owner, lessor or sublessor of the dwelling

308 unit, the building of which it is a part or the premises.

309 (e) "Owner" means one or more persons, jointly or severally, in whom
310 is vested (1) all or part of the legal title to property, or (2) all or part of
311 the beneficial ownership and a right to present use and enjoyment of the
312 premises and includes a mortgage in possession.

313 (f) "Person" means an individual, corporation, limited liability
314 company, the state or any political subdivision thereof, or agency,
315 business trust, estate, trust, partnership or association, two or more
316 persons having a joint or common interest, and any other legal or
317 commercial entity.

318 (g) "Premises" means a dwelling unit and the structure of which it is
319 a part and facilities and appurtenances therein and grounds, areas and
320 facilities held out for the use of tenants generally or whose use is
321 promised to the tenant.

322 (h) "Rent" means all periodic payments to be made to the landlord
323 under the rental agreement.

324 (i) "Rental agreement" means all agreements, written or oral, and
325 valid rules and regulations adopted under section 47a-9 or subsection
326 (d) of section 21-70 embodying the terms and conditions concerning the
327 use and occupancy of a dwelling unit or premises.

328 (j) "Roomer" means a person occupying a dwelling unit, which unit
329 does not include a refrigerator, stove, kitchen sink, toilet and shower or
330 bathtub and one or more of these facilities are used in common by other
331 occupants in the structure.

332 (k) "Single-family residence" means a structure maintained and used
333 as a single dwelling unit. Notwithstanding that a dwelling unit shares
334 one or more walls with another dwelling unit or has a common parking
335 facility, it is a single-family residence if it has direct access to a street or
336 thoroughfare and does not share heating facilities, hot water equipment
337 or any other essential facility or service with any other dwelling unit.

338 (l) "Tenant" means the lessee, sublessee or person entitled under a
339 rental agreement to occupy a dwelling unit or premises to the exclusion
340 of others or as is otherwise defined by law.

341 (m) "Tenement house" means any house or building, or portion
342 thereof, which is rented, leased or hired out to be occupied, or is
343 arranged or designed to be occupied, or is occupied, as the home or
344 residence of three or more families, living independently of each other,
345 and doing their cooking upon the premises, and having a common right
346 in the halls, stairways or yards.

This act shall take effect as follows and shall amend the following sections:		
Section	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	46a-64c
Sec. 4	<i>from passage</i>	47a-1

Statement of Legislative Commissioners:

In Sections 1(a) and 2(a), references to definitions in Section 47a-1 of the general statutes were deleted as duplicative of Section 4. In Section 1(a), the definition of "consumer reporting agency" was edited for clarity. In Section 1(b), "person's" was changed to "third-party's" for clarity.

HSG *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Judicial Dept.	GF - Cost	1,214,237	218,947
State Comptroller - Fringe Benefits ¹	GF - Cost	367,255	86,295
Consumer Protection, Dept.	GF - Cost	143,884	148,201
State Comptroller - Fringe Benefits ²	GF - Cost	59,424	61,207

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 of the bill requires all residential eviction cases to be sealed upon filing and results in a cost of \$1,209,237 in FY 22 and \$218,947 in FY 23 to the Judicial Department for new positions and IT upgrades and a cost of \$367,255 in FY 22 and \$86,295 in FY 23 for fringe benefits.

The current civil court e-filing system does not allow for automatic electronic sealing of court records and extensive changes and upgrades to the e-filing system will have to be made. It is anticipated that Judicial will have to contract with a vendor to upgrade the e-filing system at a cost of between \$250,000 to \$400,000 in FY 22. In addition, Judicial will have to hire an IT analyst at a cost of \$88,465 in FY 22 and \$91,119 in FY 23.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

²The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

23 (\$36,563 in FY 22 and \$37,362 in FY 23 for fringe benefits) to oversee the new system.

Until the e-filing system can allow for automatic electronic sealing for court records, and as the bill is effective upon passage, Judicial will have to hire 14 durational administrative assistants at a cost of \$800,772 in FY 22 (\$48,663 for fringe benefits) (one at each of the six housing sessions and one at each of the eight Judicial District courts) to manually complete the task. After the e-filing system is updated to allow for automatic sealing, two of the positions will remain to oversee the cases at a cost of \$117,828 in FY 23 (\$48,663 for fringe benefits). Additional funding of \$75,000 in FY 22 and \$10,000 in FY 23 is needed for other expenses.

Section 2 makes it an unfair or deceptive trade practice for a landlord to provide false reasons when refusing rent to a potential tenant resulting in a cost to the Department of Consumer Protection (DCP) and the Office of the State Comptroller of \$203,308 in FY 22 and \$209,407 in FY 23 (cost includes salary and fringe benefits). This section is anticipated to result in numerous new complaints and violations resulting in DCP needing to hire one attorney and one special investigator. These positions will conduct investigations, interviews, document review, report drafting, attend hearings, and negotiations. It's anticipated that there will be up to ten cases per year that require significant investigation and legal resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 6528

AN ACT CONCERNING THE SEALING OF EVICTION RECORDS.

SUMMARY

This bill seals certain eviction case records, including the online docket, with some exceptions, and generally restricts landlords' use of sealed records when screening tenants. Specifically, the bill:

1. prohibits a landlord from refusing to rent to a prospective tenant, and consumer reporting agencies from recommending against renting to that person, based on a prospective tenant's past or pending sealed summary process action;
2. makes a violation of the above provision a discriminatory housing practice;
3. authorizes aggrieved individuals to file a complaint with the Commission on Human Rights and Opportunities (CHRO); and
4. allows CHRO to grant relief in the same manner it would for any other discriminatory housing practice under current law.

The bill permits certain individuals to access these sealed records under specified circumstances, including: the court and judicial branch employees; individuals who are parties to, or subjects of, an eviction action; attorneys that certify compliance with certain conditions; and third-parties that successfully make a request for access.

Under the bill, records are automatically unsealed five days after the court enters a judgment of possession for the plaintiff on the grounds of (1) nonpayment of rent, (2) breach of lease, or (3) nuisance or serious nuisance.

The bill does not prohibit the judicial branch from releasing anonymous and aggregated data or information related to summary process cases so long as it is presented in a manner that protects the identity of defendants whose records are sealed. However, the bill bars the judicial branch from selling or providing information related to sealed case records to consumer reporting agencies. The bill requires the branch to modify its online case records system to meet the new requirements the bill establishes.

Additionally, the bill requires that a landlord, after denying a rental application, provide a written explanation to the prospective tenant describing the reasons for the denial; a landlord that knowingly provides false reasons is considered to have engaged in an unfair trade practice (see BACKGROUND).

The bill also makes a conforming change.

EFFECTIVE DATE: Upon passage

§ 1 — SEALING AND UNSEALING OF EVICTION RECORDS

The bill generally seals certain summary process (i.e., eviction) case and appeals records, including online docket access, except for use by the court in housing matters. The bill permits any third-party to request access to a sealed eviction record by filing a motion with the Superior Court and showing good cause; the court can grant an order to unseal an eviction record *ex parte*. Under the bill, good cause includes scholarly, educational, governmental, or journalistic purposes like gathering newsworthy facts or information. The bill expressly provides that good cause does not include (1) consumer reporting agencies collecting, providing, or using the records and (2) landlords using the records to screen tenants or determine lease terms.

Under the bill, after granting an order to unseal an eviction record, the Superior Court must redact or alter defendants' names and personally identifiable information unless doing so is necessary to fulfill the purpose of the request for access. The Superior Court's decision to deny a request for access is a final order for appeal purposes.

Under the bill, “consumer reporting agency” means any person that regularly assembles or evaluates consumer information and furnishes reports to third parties using any means or facility of interstate commerce (15 U.S.C. § 1681a); the bill specifies that tenant or background screening providers are to be considered consumer reporting agencies.

By law, “landlord” means the owner, lessor, or sublessor of a dwelling unit, the building of which it is a part, or the premises (CGS § 47a-1).

Access to Sealed Records Without a Court Order

After a summary process case is filed in Superior Court, the bill requires the clerk to mail defendants a notice, written simply and understandably in both English and Spanish, explaining how to access the online docket. In addition to defendants, the bill makes sealed eviction records available without a court order to certain individuals in specified circumstances, as follows:

1. any party to the action, including a party’s attorney or a defendant’s designee acting on his or her behalf to help the defendant (parties can request access to the docket by contacting the clerk);
2. an occupant of the premises who is the subject of the eviction action and provides the clerk with (a) the name of one of the parties or the case number and (b) proof of occupancy, including a piece of mail, utility bill or similar document, government-provided I.D., or other means that allows the clerk to reasonably identify the individual as an occupant;
3. a state-licensed attorney with an active E-Services account who, if not representing a party, certifies to certain information before accessing the online docket, as explained below; and
4. judicial branch employees that require access to perform their duties.

Under the bill, an attorney that is not representing a party to a residential summary process matter can only access the online docket after certifying that he or she (1) is accessing the docket to advise or represent a client or prospective client in the case or a materially related case and (2) will not share any information from the online docket about a tenant, without that tenant's permission, with individuals or entities that are (a) outside his or her firm or (b) not a party, or a party's attorney, to the case or a materially related case. An attorney that knowingly makes a false certification may be subject to a complaint of attorney misconduct, which will be subsequently referred to a grievance panel for investigation.

Automatically Unsealed Records

Under the bill, summary process case records, including access to the online docket, are unsealed five days after the court enters a post-trial judgment of possession for the plaintiff (i.e., landlord) on the grounds of (1) nonpayment of rent, (2) breach of lease, or (3) nuisance or serious nuisance. If a defendant (i.e., tenant) appeals the court's judgment, the unsealing is delayed until five days after the judgment becomes final and all appeal rights are exhausted. The bill allows the court to order case records sealed that would normally be unsealed, and vice versa, if a party files a motion and shows good cause. The bill does not prevent parties from making an agreement to keep a record sealed.

Judicial Branch Data Use and Online Case Records System

The bill does not prohibit the judicial branch from releasing anonymous and aggregated data on summary process cases, such as (1) caseload data, (2) disposition statistics, and (3) aggregate demographic characteristics of parties. Any data or information the branch releases on these or similar topics must reasonably prevent the identification of individual defendants whose case records are sealed under the bill. However, the bill expressly prohibits the branch from selling or giving information related to sealed summary process case records to consumer reporting agencies.

Additionally, the bill requires the judicial branch to modify its online

case records system, if necessary, to meet the new requirements the bill establishes.

§ 2 — RESTRICTIONS ON LANDLORDS' USE OF SEALED RECORDS

The bill prohibits residential landlords from refusing to rent to a prospective tenant, and consumer reporting agencies from recommending against renting to the person, based on the prospective tenant's past or pending summary process action that is sealed under the bill. There is a rebuttable presumption that a landlord has violated this provision if he or she refuses to rent to a prospective tenant after having previously (1) requested information regarding a prospective tenant's sealed summary process action from a consumer reporting agency or (2) inspected court records related to a prospective tenant. (It is unclear whether a landlord that inspects unsealed court records related to a prospective tenant is in violation of these provisions.)

The bill does not prohibit landlords from denying a prospective tenant's rental application solely based on the tenant's (1) insufficient income or (2) likelihood of materially damaging the premises or threatening the health or safety of the landlord or other tenants.

§§ 2 & 3 — CHRO COMPLAINTS

The bill makes it a discriminatory housing practice (see BACKGROUND) for landlords to refuse to rent to prospective tenants, and consumer reporting agencies to recommend against renting to that person, based on that person's past or pending summary process action that is sealed under the bill. Thus, it authorizes anyone aggrieved by this practice to file a complaint with CHRO, or CHRO itself to initiate a complaint, pursuant to the existing statutory procedures for doing so. Under the bill, CHRO may grant relief in the same manner as it would for any other discriminatory housing practice; however, the bill does not permit an aggrieved individual to bring an action directly in Superior Court.

As under existing housing discrimination law, the bill does not apply to (1) renting a room or rooms in a single-family home in which the

owner lives or (2) a unit in a two-family home in which the owner lives.

BACKGROUND

Discriminatory Housing Practices Act

Existing law prohibits various types of housing discrimination because of race, religion, sex, national origin, disability, familial or marital status, age, sexual orientation, gender identity or expression, lawful source of income, or veteran status. Individuals who believe they have been discriminated against may file a complaint with CHRO within 180 days of the alleged incident.

Connecticut Unfair Trade Practices Act

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the Department of Consumer Protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney’s fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

COMMITTEE ACTION

Housing Committee

Joint Favorable
Yea 10 Nay 5 (03/11/2021)