

# OFFICE OF FISCAL ANALYSIS

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sHB-6528

AN ACT CONCERNING THE SEALING OF EVICTION RECORDS.

## **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 <sup>1</sup>	GF - Cost	367,255	86,295
Consumer Protection, Dept.	GF - Cost	143,884	148,201
State Comptroller - Fringe Benefits <sup>2</sup>	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

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<sup>1</sup>The 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.

<sup>2</sup>The 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.

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 (\$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.