



General Assembly

January Session, 2021

Raised Bill No. 6528

LCO No. 3885



Referred to Committee on HOUSING

Introduced by:
(HSG)

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:

3 (1) "Consumer reporting agency" has the same meaning as provided
4 in 15 USC 1681a, as amended from time to time, and includes, but is not
5 limited to, any tenant screening or other background screening
6 provider; and

7 (2) "Landlord" has the same meaning as provided in section 47a-1 of
8 the general statutes, as amended by this act.

9 (b) All records of cases of summary process matters pursuant to
10 chapter 832 of the general statutes, including access to the online docket,
11 and all records of appeal under chapter 832 of the general statutes, shall
12 be sealed and confidential and for the use of the court in housing
13 matters, and open to inspection or disclosure to any third party,

14 including bona fide researchers commissioned by a state agency, only
15 upon order of the Superior Court, except as provided in subsections (c)
16 and (d) of this section. Such order may be granted ex parte upon the
17 person's motion and showing of good cause. For purposes of this
18 subsection, "good cause" includes, but is not limited to, the gathering of
19 newsworthy facts or information or for scholarly, educational,
20 journalistic or governmental purposes, but does not include the
21 collection of information to be provided or used by a consumer
22 reporting agency or by a landlord in making decisions regarding
23 whether and on what terms to lease a dwelling unit to a prospective
24 tenant. If the Superior Court determines that good cause exists to
25 provide such records pursuant to this subsection, the Superior Court
26 shall redact or alter all defendants' names to appellations such as "Jane
27 Doe" or "John Doe" and shall redact any personally identifiable
28 information of a defendant unless doing so is necessary to fulfill the
29 purposes of the request for access. A decision by the Superior Court
30 denying access pursuant to this subsection shall be considered a final
31 order for purposes of appeal.

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

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

42 (2) An occupant of the premises who is the subject of the action, who
43 provides the clerk with the name of one of the parties or the case number
44 and shows proof of occupancy. Such proof of occupancy may consist of
45 one or more of the following: (A) A piece of mail addressed to the
46 occupant at the premises; (B) a utility bill or similar documentation in

47 the occupant's name; (C) a government-provided identification listing
48 the premises as an address; or (D) other means that reasonably identifies
49 the individual to the clerk as an occupant of the premises;

50 (3) An attorney licensed to practice law in the state who has an active
51 account in the electronic system of filing documents with the Judicial
52 Branch, provided no attorney shall access the online docket of a
53 residential summary process matter in which the attorney is not
54 representing a party unless the attorney first certifies that such attorney
55 (A) is accessing such docket for the purpose of advising or representing
56 a client or prospective client in such case or a materially related case,
57 and (B) will not, without permission from the tenant to which the
58 information relates, disclose or share outside such attorney's firm any
59 information gathered from the online docket to any person or entity
60 who is not a party, or such party's attorney, to the case in question or a
61 materially related case. A knowingly false certification pursuant to this
62 subsection shall subject an attorney to discipline pursuant to section 51-
63 90e of the general statutes; and

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

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

78 (e) Nothing in this section shall be construed to prevent the release of

79 anonymized and aggregated data relating to summary process matters,
80 including (1) caseload data, (2) statistics regarding disposition, (3)
81 aggregate demographic characteristics of parties, and (4) similar
82 information, provided such data is presented in such a way as to
83 reasonably prevent the identification of individual defendants whose
84 cases have not been unsealed pursuant to subsection (b), (c) or (d) of this
85 section.

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

96 Sec. 2. (NEW) (*Effective from passage*) (a) No landlord of a dwelling
97 unit, as defined in section 47a-1 of the general statutes, as amended by
98 this act, shall refuse to rent or offer a lease to a potential tenant, nor shall
99 a consumer reporting agency recommend against renting or offering a
100 lease to a potential tenant, on the basis that the potential tenant was
101 involved in a past or pending summary process action, unless such
102 action has been unsealed pursuant to subsection (b), (c) or (d) of section
103 1 of this act. There shall be a rebuttable presumption that a person is in
104 violation of this subsection if it is established that the person requested
105 information regarding a summary process action relating to a potential
106 tenant that has not been unsealed pursuant to subsection (b), (c) or (d)
107 of section 1 of this act from a consumer reporting agency or otherwise
108 inspected court records relating to a potential tenant and the person
109 subsequently refused to rent or offer a lease to the potential tenant.

110 (b) A landlord of a dwelling unit who refuses to rent or offer a lease
111 to a potential tenant shall provide a written explanation describing the

112 reason or reasons for denying such tenant's application. Knowingly
113 providing a false reason or reasons for denying a tenant's application
114 shall be deemed an unfair or deceptive trade practice under section 42-
115 110b of the general statutes.

116 (c) An individual aggrieved by a landlord's or consumer reporting
117 agency's violation of subsection (a) of this section may file a complaint
118 with the Commission on Human Rights and Opportunities pursuant to
119 section 46a-82 of the general statutes. A violation of subsection (a) of this
120 section shall constitute a discriminatory housing practice pursuant to
121 section 46a-64c of the general statutes, as amended by this act, for the
122 purposes of filing a complaint, investigation and administrative
123 enforcement pursuant to chapter 814c of the general statutes, but shall
124 not permit an individual to bring an action directly in the Superior Court
125 pursuant to section 46a-98a of the general statutes.

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

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

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

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

140 (2) To discriminate against any person in the terms, conditions, or
141 privileges of sale or rental of a dwelling, or in the provision of services
142 or facilities in connection therewith, because of race, creed, color,

143 national origin, ancestry, sex, gender identity or expression, marital
144 status, age, lawful source of income, familial status or status as a
145 veteran.

146 (3) To make, print or publish, or cause to be made, printed or
147 published any notice, statement, or advertisement, with respect to the
148 sale or rental of a dwelling that indicates any preference, limitation, or
149 discrimination based on race, creed, color, national origin, ancestry, sex,
150 gender identity or expression, marital status, age, lawful source of
151 income, familial status, learning disability, physical or mental disability
152 or status as a veteran, or an intention to make any such preference,
153 limitation or discrimination.

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

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

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

181 (6) (A) To discriminate in the sale or rental, or to otherwise make
182 unavailable or deny, a dwelling to any buyer or renter because of a
183 learning disability or physical or mental disability of: (i) Such buyer or
184 renter; (ii) a person residing in or intending to reside in such dwelling
185 after it is so sold, rented, or made available; or (iii) any person associated
186 with such buyer or renter.

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

194 (C) For purposes of this subdivision, discrimination includes: (i) A
195 refusal to permit, at the expense of a person with a physical or mental
196 disability, reasonable modifications of existing premises occupied or to
197 be occupied by such person if such modifications may be necessary to
198 afford such person full enjoyment of the premises; except that, in the
199 case of a rental, the landlord may, where it is reasonable to do so,
200 condition permission for a modification on the renter agreeing to restore
201 the interior of the premises to the condition that existed before the
202 modification, reasonable wear and tear excepted; (ii) a refusal to make
203 reasonable accommodations in rules, policies, practices or services,
204 when such accommodations may be necessary to afford such person
205 equal opportunity to use and enjoy a dwelling; (iii) in connection with
206 the design and construction of covered multifamily dwellings for the
207 first occupancy after March 13, 1991, a failure to design and construct

208 those dwellings in such manner that they comply with the requirements
209 of Section 804(f) of the Fair Housing Act or the provisions of the state
210 building code as adopted pursuant to the provisions of sections 29-269
211 and 29-273, whichever requires greater accommodation. "Covered
212 multifamily dwellings" means buildings consisting of four or more units
213 if such buildings have one or more elevators, and ground floor units in
214 other buildings consisting of four or more units.

215 (7) For any person or other entity engaging in residential real-estate-
216 related transactions to discriminate against any person in making
217 available such a transaction, or in the terms or conditions of such a
218 transaction, because of race, creed, color, national origin, ancestry, sex,
219 gender identity or expression, marital status, age, lawful source of
220 income, familial status, learning disability, physical or mental disability
221 or status as a veteran.

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

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

235 (10) To refuse to rent or offer a lease to a potential tenant, or for a
236 consumer reporting agency, as defined in section 1 of this act, to
237 recommend against renting or offering a lease to a potential tenant, on
238 the basis that the tenant was involved in a past or pending summary
239 process action pursuant to chapter 832, unless such action has been

240 unsealed pursuant to subsection (b), (c) or (d) of section 1 of this act.

241 (b) (1) The provisions of this section shall not apply to (A) the rental
242 of a room or rooms in a single-family dwelling unit if the owner actually
243 maintains and occupies part of such living quarters as his residence or
244 (B) a unit in a dwelling containing living quarters occupied or intended
245 to be occupied by no more than two families living independently of
246 each other, if the owner actually maintains and occupies the other such
247 living quarters as his residence. (2) The provisions of this section with
248 respect to the prohibition of discrimination on the basis of marital status
249 shall not be construed to prohibit the denial of a dwelling to a man or a
250 woman who are both unrelated by blood and not married to each other.
251 (3) The provisions of this section with respect to the prohibition of
252 discrimination on the basis of age shall not apply to minors, to special
253 discount or other public or private programs to assist persons sixty
254 years of age and older or to housing for older persons as defined in
255 section 46a-64b, provided there is no discrimination on the basis of age
256 among older persons eligible for such housing. (4) The provisions of this
257 section with respect to the prohibition of discrimination on the basis of
258 familial status shall not apply to housing for older persons as defined in
259 section 46a-64b or to a unit in a dwelling containing units for no more
260 than four families living independently of each other, if the owner of
261 such dwelling resides in one of the units. (5) The provisions of this
262 section with respect to the prohibition of discrimination on the basis of
263 lawful source of income shall not prohibit the denial of full and equal
264 accommodations solely on the basis of insufficient income. (6) The
265 provisions of this section with respect to the prohibition of
266 discrimination on the basis of sex shall not apply to the rental of sleeping
267 accommodations to the extent they utilize shared bathroom facilities
268 when such sleeping accommodations are provided by associations and
269 organizations which rent such sleeping accommodations on a
270 temporary or permanent basis for the exclusive use of persons of the
271 same sex based on considerations of privacy and modesty.

272 (c) Nothing in this section limits the applicability of any reasonable
273 state statute or municipal ordinance restricting the maximum number

274 of persons permitted to occupy a dwelling.

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

280 (e) Nothing in this section prohibits a person engaged in the business
281 of furnishing appraisals of real property to take into consideration
282 factors other than race, creed, color, national origin, ancestry, sex,
283 gender identity or expression, marital status, age, lawful source of
284 income, familial status, learning disability, physical or mental disability
285 or status as a veteran.

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

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

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

298 As used in this chapter, [and] sections 47a-21, 47a-23 to 47a-23c,
299 inclusive, 47a-26a to 47a-26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-
300 41a, 47a-43 and 47a-46 and sections 1 and 2 of this act:

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

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

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

311 (d) "Landlord" means the owner, lessor or sublessor of the dwelling
312 unit, the building of which it is a part or the premises.

313 (e) "Owner" means one or more persons, jointly or severally, in whom
314 is vested (1) all or part of the legal title to property, or (2) all or part of
315 the beneficial ownership and a right to present use and enjoyment of the
316 premises and includes a mortgagee in possession.

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

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

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

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

332 (j) "Roomer" means a person occupying a dwelling unit, which unit
333 does not include a refrigerator, stove, kitchen sink, toilet and shower or

334 bathtub and one or more of these facilities are used in common by other
335 occupants in the structure.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<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 Purpose:

To prohibit landlords from considering the prior eviction records of prospective tenants.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]