

NEW HAVEN LEGAL ASSISTANCE ASSOCIATION, INC.

205 ORANGE ST.
NEW HAVEN, CONNECTICUT 06510-2018

Dear Rep. McGee, Sen. Lopes, and esteemed members of the Housing Committee,

My name is Nathan Leys, and I am a legal fellow and housing attorney at New Haven Legal Assistance Association, Inc. I write in support of H.B. 6528, *An Act Concerning the Sealing of Eviction Records*. Of the group of legal aid attorneys who submitted this bill, I was primarily responsible for the nuts-and-bolts research and drafting of this proposal.

Summary of Testimony

- People who have faced eviction in the past, no matter the merits or outcome of that case, are barred from safe, affordable housing for years afterwards. Landlords regularly deny applicants solely because an eviction record exists, no matter the details.
- Black women with children are far and away the group most likely to have an eviction filed against them. Black women are approximately twice as likely to face eviction as white renters.¹ A family with two children is 60 percent more likely to be evicted than a family without children, all else equal.² The Scarlet “E” is a racial and gender justice issue because it locks these families out of safe, decent, and affordable housing.
- Many eviction records are inaccurate, denying housing to people who have *never* been a party to an eviction. This is especially a problem for the Latinx community.³ A recent study found that 7.4% of Connecticut eviction records are inaccurate or misleading.⁴
- The Scarlet “E” chills renters from asserting their rights.⁵ Even when landlords don’t overtly threaten to file eviction suits in retaliation for reporting conditions issues or other complaints, tenants know they can’t afford to provoke even a frivolous eviction.
- The time for action is now: the COVID-19 pandemic and economic crisis has left hundreds of thousands of Connecticut residents at risk of eviction. Without this bill, those families will be haunted by their eviction records for years.
- This bill, based on what has worked in other jurisdictions, is a tailored, calibrated response to protect Connecticut tenants from eviction record discrimination.

¹ Peter Hepburn, Renee Louis & Matthew Desmond, *Racial and Gender Disparities Among Evicted Americans*, 7 SOC. SCI. 649, 654 (Dec. 2020), <https://sociologicalscience.com/articles-v7-27-649> (finding that “[t]he average [B]lack female renter experienced an eviction filing rate of 6.4 percent, nearly twice that experienced by the average white female renter (3.4 percent) [and for white men, 3.3 percent].”).

² Matthew Desmond & Carl Gershenson, *Who Gets Evicted? Assessing Individual, Neighborhood, and Network Factors*, 62 SOC. SCI. RES. 362, 369 (2017) (finding that the eviction rate for a family with two children is 11.7 percent annually, compared to 7.3 percent for a childless renter. $11.7/7.3 = 1.60$).

³ Lauren Kirchner & Matthew Goldstein, *How Automated Background Checks Freeze Out Renters*, N.Y. TIMES (May 28, 2020), <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>.

⁴ Adam Porton, Ashley Gromis & Matthew Desmond, *Inaccuracies in Eviction Records: Implications for Renters and Researchers*, HOUS. POL’Y DEBATE, 6 (Jul. 28, 2020), <https://www.tandfonline.com/doi/full/10.1080/10511482.2020.1748084>.

⁵ See, e.g., Esme Caramello & Nora Mahlberg, *Combating Tenant Blacklisting Based on Housing Court Records: A Survey of Approaches*, CLEARINGHOUSE REV., at 1 (Aug. 2017) (“Blacklisting impedes not only access to housing but also access to justice. If tenants cannot use the justice system to vindicate their rights because they are legitimately afraid that any court involvement will harm their ability to secure housing, then tenants’ rights are not fully enforceable.”). See also *id.* (quoting landlords threatening tenants with the prospect of eviction records).

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I. The Problem

If a family has an eviction action filed against them, they will be denied housing for years to come. This happens regardless of whether the eviction case has any merit and what the outcome of the case is. Like any housing legal services attorney, I have experienced the frustration of winning a case for a client, only to have them later contact me to tell me that other landlords have turned down their rental application because of the old eviction case. The Scarlet “E” haunts tenants no matter what the details of their cases are.⁶

Black women, and especially Black women with children, are far more likely to have evictions filed against them than any other group.⁷ Recent studies by the Eviction Lab at Princeton University and the ACLU Women’s Rights Project find that Black women face eviction at roughly *twice* the rate of white renters.⁸ Housing discrimination on the basis of eviction records disproportionately hurts Black women⁹ in much the same way that housing discrimination on the basis of criminal records disproportionately hurts Black men. As Matthew Desmond has written, “[i]f incarceration had come to define the lives of men from impoverished black neighborhoods, eviction was shaping the lives of women. Poor black men were locked up. Poor black women were locked out.”¹⁰ And the stigma of those records far outlives the court cases that created them.

⁶ Megan Kimble, *The Blacklist: Screened Out By Automated Background Checks, Tenants Who Face Eviction Can Be Denied Housing For Years to Come*, TEX. OBSERVER (Dec. 9, 2020), https://www.texasobserver.org/evictions-texas-housing/amp/?__twitter_impression=true (“But while most landlords will deny a prospective tenant if they see an eviction on their record, many don’t distinguish between an eviction filing and an eviction judgment. That means even if an eviction was filed unlawfully—say, in retaliation against someone requesting repairs or against a victim of domestic violence—and a judge dismisses the case, a future landlord can see that a tenant was sued for eviction and use that as a basis to deny their application.”)

⁷ See Hepburn, Louis & Desmond, *supra* note 1; Desmond & Gershenson, *supra* note 2.

⁸ See Hepburn, Louis & Desmond, *supra* note 1; Sophie Beiers, Sandra Park & Linda Morris, *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*, ACLU WOMEN’S RIGHTS PROJECT (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color>.

⁹ Women of color are also disproportionately likely to face “nuisance evictions,” in which landlords seek to evict victims of domestic or intimate-partner violence. See, e.g., Anna Kastner, *The Other War at Home: Chronic Nuisance Laws and the Revictimization of Survivors of Domestic Violence*, 103 CALIF. L. REV. 1047 (2015); Cari Fais, *Denying Access to Justice: The Cost of Applying Chronic Nuisance Laws to Domestic Violence*, 108 COLUM. L. REV. 1181 (2008); Sandra Park, *With Nuisance Laws, Has ‘Serve and Protect’ Turned Into ‘Silence and Evict’?*, ACLU Women’s Rights Project (Mar. 25, 2016), <https://www.aclu.org/blog/womens-rights/violence-against-women/nuisance-laws-has-serve-and-protect-turned-silence-and?redirect=blog/speak-freely/nuisance-laws-has-serve-and-protect-turned-silence-and-evict>. Like many—perhaps most—legal services attorneys in Connecticut, I have had clients whose landlords have filed eviction actions against them because of crimes committed against my client. In a cruel irony, the Scarlet “E” prevents tenants from finding new housing after having been *evicted for being victims*.

¹⁰ MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* 98 (2016). See also Matthew Desmond & Monica Bell, *Housing, Poverty, and the Law*, 11 ANN. REV. L. & SOC. SCI. 15, 19 (2015) (“Tenant screening on the basis of previous evictions and convictions often is praised for its impartiality. But equal treatment in an unequal society can foster inequality. Low-income African American women disproportionately experience eviction, just as low-income African American men disproportionately experience incarceration. Accordingly, uniformly denying housing to all applicants with recent criminal or eviction records will have a disparate impact on low-income African Americans above and beyond the considerable and well-documented racial discrimination they face in the housing market.”).

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In this way, Scarlet “E” discrimination—and the arguments against ending it—mirror our history of redlining a generation ago.¹¹ The notion behind redlining was that credit risk ‘just so happens’ to overlap with communities of color, so it would be economically rational to refuse to back housing in those neighborhoods.¹² The racist legacy of redlining policies has locked Black families out of housing opportunity and stability for decades since.¹³ The same logic is deployed in eviction record discrimination. Like banks refusing to lend in predominantly Black communities in the 20th century on the grounds that would-be homeowners in those neighborhoods were too risky, landlords today refuse to rent to a disproportionately Black and female population for the same reasons. This creates a self-fulfilling prophecy, forcing Black women into less-desirable, less-affordable housing and increasing the risk that people who have faced eviction in the past will again in the future.

The Scarlet “E” can even land on people who have never been sued in an eviction case. An incredible number of eviction records are wrong—one recent study found that in Connecticut, 7.4% of all eviction case records are inaccurate or misleading.¹⁴ Often, people will be rejected for an apartment because someone with the same or a similar name has faced eviction.¹⁵ This problem is especially common for the Latinx community, members of which are disproportionately likely to be mistakenly flagged by a tenant-screening company.¹⁶ Although a tenant can request that a credit-screening company correct inaccurate information, there are hundreds of such companies. Tenants cannot know ahead of time which screening service a prospective landlord will use, and by the time a given company’s record is corrected a landlord will usually have rented the apartment to someone else.

In addition to denying people housing down the line, the Scarlet “E” deters tenants from enforcing their rights in the present. As recent research (and common sense) reveals, even cases

¹¹ Although the historical parallels to housing discrimination are real and instructive, modern Scarlet “E” discrimination only became possible with the rise of mass computer databases. “The information age has brought about an unprecedented level of scrutiny with which applicants for rental housing are evaluated. Tenant screening practices have been revolutionized thanks to the professionalization of the landlord industry, the massive expansion of accessible personal background information, and the growth of a booming commercial background check industry.” Anna Reosti, *“We Go Totally Subjective”: Discretion, Discrimination, and Tenant Screening in a Landlord’s Market*, 45 L. & SOC. INQUIRY 618, 622 (2020) (internal citations omitted).

¹² MEHRSA BARADARAN, *THE COLOR OF MONEY: BLACK BANKS AND THE RACIAL WEALTH GAP* 104-10 (2017) (describing history of redlining); KEEANGA-YAMAHTTA TAYLOR, *RACE FOR PROFIT: HOW BANKS AND THE REAL ESTATE INDUSTRY UNDERMINED BLACK HOMEOWNERSHIP* 17-19 (2019) (explaining that after the official end of redlining, “poor housing and neighborhood conditions caused by earlier FHA policies became the basis on which new lenders, in the new era of FHA colorblindness and an end to redlining, could still continue to treat potential Black homeowners differently. African American neighborhoods were given the racially neutral descriptor ‘subprime.’”).

¹³ For a leading history of redlining, *SEE* RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* (2017).

¹⁴ Adam Porton, Ashley Gromis & Matthew Desmond, *Inaccuracies in Eviction Records: Implications for Renters and Researchers*, HOUS. POL’Y DEBATE, 6 (Jul. 28, 2020), <https://www.tandfonline.com/doi/full/10.1080/10511482.2020.1748084>.

¹⁵ Lauren Kirchner & Matthew Goldstein, *How Automated Background Checks Freeze Out Renters*, N.Y. TIMES (May 28, 2020), <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>.

¹⁶ *Id.* (“[E]rrors can have an outside effect on people with common names—particularly members of minority groups, which tend to have fewer unique last names. For example, more than 12 million Latinos nationwide share just 26 surnames, according to the census.”).

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that are retaliatory, meritless, or unlawful are still flagged in tenant-screening reports.¹⁷ As Rutgers law professor Paula Franzese writes, “[t]he very specter of being blacklisted can impose a considerable chilling effect, dissuading tenants from exercising otherwise assured rights and remedies.”¹⁸ The threat of being denied housing in the future facilitates landlord abuse in the present.

I can personally attest to how much it hurts to have to advise a client that they are probably right on the facts and the law, but that they should strongly consider not fighting an eviction to ensure they and their children can find a new home in the future. People instinctively believe that in court, truth and justice matter. But when just *going* to court to prove you’re right will leave you and your family unable to find a home, equal justice is a cruel fiction.

COVID-19 makes addressing eviction record discrimination all the more urgent.¹⁹ In Connecticut, 51 percent of Black renters and 42 percent of Latinx renters have little or no confidence in their ability to pay rent this month.²⁰ When Governor Lamont’s and the CDC’s eviction moratoria expire, we are headed for an unimaginable eviction cliff. Many of these families would be perfectly able to pay rent, but for the once-in-a-generation public health and economic crisis that has devastated their communities. As Professors Barbara Kiviat of Stanford University and Sara Sternberg Greene of Duke University School of Law recently pointed out in the *New York Times*, “[t]he burden of the pandemic has been unequally distributed, and in years to come there will be inequity in who bears the cost of how pandemic-era [eviction] records are put to use.”²¹ If we want to help these communities get back on their feet, we need to ensure they are not buried under an avalanche of eviction records.

II. What This Bill Does

H.B. 6528 is based on statutory language that has either been enacted or proposed in other jurisdictions. (A selection of these laws/bills is appended to this testimony.) This is a targeted proposal that balances protecting tenants with landlords’ legitimate interests.

¹⁷ Katelyn Polk, *Screened Out of Housing: The Impact of Misleading Tenant Screening Reports and the Potential for Criminal Expungement as a Model for Effectively Sealing Evictions*, 15 NW. J. L. & SOC. POL’Y 338, 338-40 (2020) (describing case studies of tenants who had retaliatory evictions and were subsequently denied housing because of them); Caramello & Mahlberg, *supra* note 5 (same).

¹⁸ Paula A. Franzese, *A Place to Call Home: Tenant Blacklisting and the Denial of Opportunity*, 45 FORDHAM URB. L.J. 661, 672 (2018).

¹⁹ For an incisive treatment of how Scarlet “E” discrimination is harming people during COVID-19, see Kyle Swenson, *The Stimulus Relieved Short-Term Pain, But Eviction’s Impact Is A Long Haul*, WASH. POST (Feb. 8, 2021), <https://www.washingtonpost.com/dc-md-va/2021/02/05/eviction-covid-credit-score/> (“And as she stood in the empty townhouse, Walston knew her suitability as a renter was being churned through a system that she did not completely understand, that would not tell her full story. The background report wouldn’t tell a potential landlord that her first eviction came after she had just separated from her daughter’s father and found herself dealing with a landlord who took an inappropriate interest in her. Or how her second eviction happened when she was between jobs.”).

²⁰ U.S. Census Bureau, “Week 24 Household Pulse Survey: February 3-February 15,” Housing Table 2b (Feb. 24, 2021), available at https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk24/housing2b_week24.xlsx.

²¹ Barbara Kiviat & Sara Sternberg Greene, *Losing A Home Because of the Pandemic Is Hard Enough. How Long Should It Haunt You?*, N.Y. TIMES (Jan. 7, 2021), <https://www.nytimes.com/2021/01/07/opinion/eviction-records-crisis.html>.

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A. Section 1: Sealing and Unsealing

Section 1(b) seals all eviction cases upon filing. This includes the records of cases that predate the effective date of the Act. Any person can get access to a sealed case by filing an *ex parte* motion and showing of good cause. If a court determines that good cause exists to grant access, the court will change all defendants' name to "Jane Doe" or "John Doe" and will redact personally identifiable information of a defendant unless doing so would defeat the purposes of the request for access. The *ex parte* good-cause provision is based on similar language in California Code of Civil Procedure § 1161.2(a)(1)(D) and § 1161.2(b), and in Massachusetts S.B. No. 824 (The HOMES Act).

Under Section 1(c), in addition to the *ex parte* good-cause provision, the following persons can get access to a sealed case:

- A party to the action, including a party's attorney or a tenant's designee. As part of this bill, the clerk of the court will mail a simple, easy-to-understand notice in English and Spanish to every defendant telling them how to get access to the online docket. We expect this process will be largely automated, like the mailing of JDNO notices, and will impose minimal administrative burden on the Judicial Branch.
- An occupant of the premises who identifies themselves to the clerk. The point of this provision is that if someone *should* have been named in a case and was not, that person needs to be able to see the case to file a claim of exemption under Conn. Gen. Stat. § 47a-26h(c) or any other appropriate filing with the court.
- Any attorney licensed in Connecticut with an active E-Services account. Before an attorney can see a case docket, they have to certify that they are only doing so to advise or represent a client or a prospective client in that case or a related case and that they will not share information about a tenant gathered from the docket outside their firm without the tenant's permission. The point of this provision is twofold: First, attorneys will still be able to review cases and advise clients or prospective clients without having to file an appearance. This is also intended to protect legal aid organizations' ability to do outreach and consultations to tenants who may be in need of legal advice or representation.²² Second, the principle of open courts is intended to have a disciplining function on judges and prevent judicial abuses.²³ Ensuring that attorneys can still monitor any court case means lawyers, who are perhaps the people best positioned to know if a court is overstepping its bounds, can still do so.
- Employees of the Judicial Branch who need to access case records to do their jobs.

Section 1(d) defines what cases will be unsealed and when. A case is unsealed five days after a judgment for the plaintiff enters after trial. (This mirrors the time a tenant has to appeal a

²² See Conn. R. Prof. Conduct 7.3(b)(2) (allowing outreach to prospective clients "[u]nder the auspices of a public or charitable legal services organization").

²³ See, e.g., *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 569 (1980) ("[Open trials are] no quirk of history; rather, it has long been recognized as an indispensable attribute of an Anglo-American trial. Both Hale in the 17th century and Blackstone in the 18th saw the importance of openness to the proper functioning of a trial; it gave assurance that the proceedings were conducted fairly to all concerned, and it discouraged perjury, the misconduct of participants, and decisions based on secret bias or partiality." (internal citations omitted)).

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judgment.²⁴) Just as a judgment is stayed during an appeal, if a tenant does appeal, the case remains sealed until final disposition upon the exhaustion of all further rights of appeal.

Under § 1(d), the only cases that are unsealed are those where a landlord proves to an independent court that the tenant gave cause for the eviction, i.e., a “fault” eviction. The rationale is twofold.

First, mere allegations against a tenant are not evidence that someone is or will be an undesirable tenant. Saying someone trashed their apartment is different than proving it. Landlords lose plenty of cases on the merits (especially if a tenant is lucky enough to secure counsel). Lots of evictions are filed for retaliatory purposes or are factually or legally baseless. The limitation to judgments after trial for the plaintiff ensures that a future landlord would only be able to consider cases where an independent factfinder—the judge—found that an eviction really did have a good factual and legal basis.

Section 1(d) keeps default judgments sealed.²⁵ That is intentional. As a legal aid attorney, I can attest that plenty of people who have good factual or legal defenses lose their cases by default because of the blisteringly fast nature of eviction cases and the shoddy procedural guardrails baked into the process. Lots of tenants do not get proper notice of the case itself,²⁶ or do not receive mailed notices of motions for default in time to appear and defend their cases. The latter has been a huge problem during COVID-19, as the ongoing mail slowdown has meant that lots of mail—including legal notices—arrives three days or more after being sent, too late for a tenant to appear and defend a case. In short, a default judgment is *not* a reliable indication that the defaulted tenant actually gave a landlord a basis for eviction or would be an unreliable tenant in the future.

Second, “no-fault” evictions should remain sealed even if the landlord proves their case at trial. For example, one of the reasons why a landlord can evict certain elderly or disabled tenants is because they want to permanently remove the apartment from the housing market, such as when the building is slated for demolition.²⁷ Even where the plaintiff proves to a judge that they really want to demolish a building, what does it benefit a future landlord to know that about the affected tenants? Nothing, but landlords may deny those tenants anyway simply because an eviction was filed against them. That is why no-fault evictions remain sealed no matter the disposition under this proposal.

²⁴ Conn. Gen. Stat. § 47a-35(b).

²⁵ Section 1(d) also keeps stipulated judgments sealed. Stipulated judgments are negotiated settlements in which a court enters a judgment *without* making any finding on the merits of the landlord’s initial complaint. Especially given the representation imbalance between tenants and landlords, tenants are frequently pressured or coerced into stipulations in cases that have little or no underlying merit. For these reasons, the existence of a stipulation alone is not reliable evidence that a tenant actually gave a landlord good cause to evict. A prospective landlord has little or no legitimate interest in knowing that an applicant had a dispute with a former landlord which resolved without a finding on the merits.

²⁶ See, e.g., Josh Kaplan, *Thousands of D.C. Renters Are Evicted Every Year. Do They All Know to Show Up to Court?*, DCIST (Oct. 5, 2020), <https://dcist.com/story/20/10/05/thousands-of-d-c-renters-are-evicted-every-year-do-they-all-know-to-show-up-to-court>

²⁷ Conn. Gen. Stat. § 47a-23c(b)(1)(F).

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Section 1(d) also includes flexibility. Any party can move that a case should be sealed or unsealed for good cause. And the parties can agree to keep a case sealed that would otherwise be unsealed.

One might ask of § 1(d): isn't the fact that a landlord felt the need to *file* an eviction evidence enough that a defendant is a bad tenant? The answer is no. For example, we know that all else equal, tenants with kids are more likely to face eviction than childless renters.²⁸ As a society, we have already made a moral judgment that denying someone housing on the basis of having children is wrong, and we have banned that practice as discriminatory.²⁹ A record showing someone has faced eviction in the past, where a judge did not determine the case had merit, is a better proxy for showing that person is a Black mother than for showing that person is a bad tenant. And even when the link between a protected characteristic and an eviction filing isn't as clear, plenty of cases are filed out of retaliation or plain spite. Is someone a bad tenant because they called Code Enforcement over health and safety violations? No. But when many evictions are filed for such unscrupulous reasons, that is what the argument that only bad tenants face eviction boils down to. The point of § 1(d) is this: a landlord has a legitimate interest in denying applicants who would be bad tenants. This bill protects that interest by allowing a landlord to consider cases where an independent factfinder, the judge, determined that a tenant really did give their old landlord a good reason to evict them. Without that independent factual determination, mere eviction filings are too unreliable and the discriminatory impacts of their use too great to allow them to be considered.

Section 1(e) ensures that the Judicial Branch can still provide aggregate/anonymized data about its operations and caseload. A technical suggestion: this section's reference to cases being unsealed "pursuant to subsection (b), (c), or (d) of this section" should be changed to "pursuant to subsection (d)," as subsections (b) and (c) do not provide for unsealing.

Section 1(f) directs the Judicial Branch to implement this statute by making online case records inaccessible except as provided by this law. This section also prevents the Judicial Branch from providing or selling information in any form regarding a sealed case to a consumer reporting agency.

B. Sections 2 and 3: Restricting Landlords from Denying Certain Tenants Based on Involvement in Past Summary Process Actions

Section 2 is the other half of this two-piece proposal. It prevents landlords from denying tenants based on involvement in a prior summary process action, unless the case resulted in a for-cause judgment for the plaintiff after trial (*i.e.*, was unsealed under § 1(d)). This section is necessary because most or all eviction records created until now have already been Hoovered up by tenant-screening companies. Sealing cases, without more, would not prevent landlords from paying one of these companies to tell them, for example, that a tenant defaulted in a no-fault "lapse of time" eviction six years ago.³⁰

²⁸ Desmond & Gershenson, *supra* note 2.

²⁹ See Conn. Gen. Stat. § 46a-64c(a)(1) (defining discriminatory housing practices to include discrimination on the basis of "familial status").

³⁰ The Federal Fair Credit Reporting Act (FCRA) requires credit reporting agencies to not report judgments that are over seven years old. 15 U.S.C. § 1681c(a)(2). Compliance with and enforcement of this requirement are spotty, to the say the least. And even when a company does comply, seven years is a long time.

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Section 2 works as follows. If a landlord requests information from a credit reporting agency or inspects court records relating to a sealed eviction, and then denies a tenant's application, there is a rebuttable presumption that the landlord denied the application based on the information they requested or viewed. This provision is drawn from New York's recent law on the subject.³¹ A landlord who denies a tenant's application must provide a written reason why. (This is not intended to be an onerous requirement—an email saying “Sorry, we gave the unit to a qualified applicant who applied before you” would suffice.) The written-reason requirement is intended to ensure both that landlords have non-discriminatory reasons for denying an application and that tenants can enforce their rights when landlords cannot provide a nondiscriminatory reason for denial. Under subsection 2(c), if a landlord denies a prospective tenant's application in violation of this statute, the tenant can enforce their rights like they could any other housing discrimination complaint: by going to the Commission on Human Rights and Opportunities.³²

Section 2 is *not* intended to force landlords to accept tenants who cannot afford the rent or who are likely to commit a serious nuisance. Section 2(d) makes this clear. (Note that § 2(d) does not relieve landlords of their obligations under other fair housing laws, including but not limited to reasonable accommodations for applicants with behavioral disorders.)

Section 3 amends the existing state fair housing law to add subsection (a)(10), defining a denial in violation of Section 2 as a “discriminatory housing practice.” Note that (a)(10) explicitly extends liability to instances in which a consumer reporting agency recommends against a renting to a potential tenant on the basis of a sealed summary process case. This is intended to prevent the increasingly common situation in which a landlord attempts to evade fair-housing liability by outsourcing rental decisions to a company that uses algorithmic decision-making to recommend accepting or denying certain applicants. The committee should consider a technical correction here: as above, changing “unsealed pursuant to subsection (b), (c) or (d)” to “unsealed pursuant to subsection (d),” since subsections 1(b) and 1(c) do not unseal cases.

III. Suggestions for Improvement

As written, this is a strong bill that would do immense good for Connecticut families. However, since the publication of the Committee's draft, we have received or thought of technical improvements to some of the language.

First, in my view, Section 2 as written prohibits a landlord from asking a tenant about the existence of prior sealed evictions and then declining to rent to the tenant. Doing so would seem to clearly fall within the language of “refus[ing] to rent or offer a lease to a potential tenant . . . on the basis that the potential tenant was involved in a past or pending summary process action” However, after publication of the committee's draft of the legislation, a question has been raised as to the clarity with which this section prohibits a landlord from circumventing the

³¹ N.Y. RPL 227-F(1). HB 6528 fixes the biggest weakness of the New York law, that it does not provide for a tenant to seek relief directly but instead makes the provision enforceable only by the state attorney general. N.Y. RPL 227-F(2).

³² Under the assumption that CHRO enforcement is less costly and time-consuming than lawsuits for housing discrimination, this proposal does not permit a tenant to file suit directly in the Superior Court (as they could for complaints of, say, housing discrimination on the basis of race or gender). To sue in Superior Court for a violation of Section 2, a tenant would have to file a complaint with the CHRO and obtain a release of jurisdiction pursuant to Conn. Gen. Stat. §§ 46a-83a, 46a-100, or 46a-101.

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protections of this law by asking prospective tenants about their eviction records. The committee should consider adding the following language to Section 2(a) of the bill (edits underlined):

“There shall be a rebuttable presumption that a person is in violation of this subsection if it is established (1) that the landlord or consumer reporting agency asked a potential tenant, or otherwise elicited information regarding, whether the potential tenant had been or was at the time involved in a past or pending summary process action, unless such action had been unsealed pursuant to subsection (d) of section 1 of this act; or (2) that the person requested information regarding a summary process action relating to a potential tenant that has not been unsealed pursuant to subsection (d) of section 1 of this act from a consumer reporting agency or otherwise inspected court records relating to a potential tenant and the person subsequently refused to rent or offer a lease to a potential tenant.”

Second, in Sections 1(e), 1(f), 2(a), and 3(a)(10), the proposed statute uses the language “unsealed pursuant to subsection (b), (c) or (d) of” Section 1. In each instance, this should be altered to read “unsealed pursuant to subsection (d)” of Section 1. Subsections (b) and (c) do not unseal cases, but instead grant limited access to certain persons prior to unsealing.

Third, a concern has been raised that the bill, as written, would prevent courts from publishing opinions in summary process cases, effectively freezing housing caselaw in place as of the effective date of the statute. This is not the intent of the bill. The committee should consider adding the following language to Section 1(e) of the bill:

“Nothing in this section shall be construed to prevent the release of anonymized and aggregated data relating to summary process matters, including (1) caseload data, (2) statistics regarding disposition, (3) aggregate demographic characteristics of parties, and (4) similar information, provided that such data is presented in such a way as to reasonably prevent the identification of individual defendants whose cases have not been unsealed pursuant to subsection (d) of this section; or to prevent the publication of judicial opinions or orders in summary process cases, provided that such opinions or orders refer to all tenants and occupants as “Jane Doe,” “John Doe,” or by similar appellations, and omit or alter other information, including the address of the subject premises, as may be reasonably necessary to prevent identification of a tenant or occupant involved in a case that has not been unsealed pursuant to subsection (d) of this section.”

Fourth, a concern has been raised that Section 2, as written, would not prevent a landlord from offering to rent to a prospective tenant who has been involved in a sealed eviction case, but doing so on terms that are so onerous as to defeat the purpose of this proposal. For example, the plain text of the proposal could be read to suggest that a landlord who discovers that a tenant who won an eviction case five years ago could offer a lease with rent set at a million dollars a month. In my view, this would be tantamount to “refus[ing] to rent or offer a lease to a potential tenant” and so would subject a landlord to liability. However, to resolve this question definitively, the Committee should consider adding the following language to Section 2(a):

“No landlord of a dwelling unit, as defined in section 47a-1 of the general statutes, as amended by this act, shall refuse to rent or offer a lease to a potential tenant, nor offer to rent or offer a lease to a potential tenant on different terms than such

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landlord otherwise would, nor shall a consumer reporting agency recommend against renting or offering a lease to a potential tenant, on the basis that the potential tenant was involved in a past or pending summary process action, unless such action has been unsealed pursuant to subsection (d) of section 1 of this act.”

APPENDIX: Selected Statutory Language From Other Jurisdictions

California Code of Civil Procedure, Section 1161.2

(a) (1) The clerk shall allow access to limited civil case records filed under this chapter, including the court file, index, and register of actions, only as follows:

(A) To a party to the action, including a party's attorney.

(B) To a person who provides the clerk with the names of at least one plaintiff and one defendant and the address of the premises, including the apartment or unit number, if any.

(C) To a resident of the premises who provides the clerk with the name of one of the parties or the case number and shows proof of residency.

(D) To a person by order of the court, which may be granted ex parte, on a showing of good cause.

(E) To any person by order of the court if judgment is entered for the plaintiff after trial more than 60 days since the filing of the complaint. The court shall issue the order upon issuing judgment for the plaintiff.

(F) Except as provided in subparagraph (G), to any other person 60 days after the complaint has been filed if the plaintiff prevails in the action within 60 days of the filing of the complaint, in which case the clerk shall allow access to any court records in the action. If a default or default judgment is set aside more than 60 days after the complaint has been filed, this section shall apply as if the complaint had been filed on the date the default or default judgment is set aside.

(G) In the case of a complaint involving residential property based on Section 1161a as indicated in the caption of the complaint, as required in subdivision (c) of Section 1166, to any other person, if 60 days have elapsed since the complaint was filed with the court, and, as of that date, judgment against all defendants has been entered for the plaintiff, after a trial.

(2) This section shall not be construed to prohibit the court from issuing an order that bars access to the court record in an action filed under this chapter if the parties to the action so stipulate.

(b) (1) For purposes of this section, "good cause" includes, but is not limited to, both of the following:

(A) The gathering of newsworthy facts by a person described in Section 1070 of the Evidence Code.

(B) The gathering of evidence by a party to an unlawful detainer action solely for the purpose of making a request for judicial notice pursuant to subdivision (d) of Section 452 of the Evidence Code.

(2) It is the intent of the Legislature that a simple procedure be established to request the ex parte order described in subparagraph (D) of paragraph (1) of subdivision (a).

(c) Upon the filing of a case so restricted, the court clerk shall mail notice to each defendant named in the action. The notice shall be mailed to the address provided in the complaint. The notice shall contain a statement that an unlawful detainer complaint (eviction action) has been filed naming that party as a defendant, and that access to the court file will be delayed for 60 days except to a party, an attorney for one of the parties, or any other person who (1) provides to the clerk the names of at least one plaintiff and one defendant in the action and provides to the

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clerk the address, including any applicable apartment, unit, or space number, of the subject premises, or (2) provides to the clerk the name of one of the parties in the action or the case number and can establish through proper identification that the person lives at the subject premises. The notice shall also contain a statement that access to the court index, register of actions, or other records is not permitted until 60 days after the complaint is filed, except pursuant to an order upon a showing of good cause for access. The notice shall contain on its face the following information:

- (1) The name and telephone number of the county bar association.
- (2) The name and telephone number of any entity that requests inclusion on the notice and demonstrates to the satisfaction of the court that it has been certified by the State Bar of California as a lawyer referral service and maintains a panel of attorneys qualified in the practice of landlord-tenant law pursuant to the minimum standards for a lawyer referral service established by the State Bar of California and Section 6155 of the Business and Professions Code.
- (3) The following statement:
“The State Bar of California certifies lawyer referral services in California and publishes a list of certified lawyer referral services organized by county. To locate a lawyer referral service in your county, go to the State Bar’s internet website at www.calbar.ca.gov or call 1-866-442-2529.”
- (4) The name and telephone number of an office or offices funded by the federal Legal Services Corporation or qualified legal services projects that receive funds distributed pursuant to Section 6216 of the Business and Professions Code that provide legal services to low-income persons in the county in which the action is filed. The notice shall state that these telephone numbers may be called for legal advice regarding the case. The notice shall be issued between 24 and 48 hours of the filing of the complaint, excluding weekends and holidays. One copy of the notice shall be addressed to “all occupants” and mailed separately to the subject premises. The notice shall not constitute service of the summons and complaint.
- (d) Notwithstanding any other law, the court shall charge an additional fee of fifteen dollars (\$15) for filing a first appearance by the plaintiff. This fee shall be added to the uniform filing fee for actions filed under this chapter.
- (e) This section does not apply to a case that seeks to terminate a mobile home park tenancy if the statement of the character of the proceeding in the caption of the complaint clearly indicates that the complaint seeks termination of a mobile home park tenancy.
- (f) This section does not alter any provision of the Evidence Code.
- (g) This section shall become operative on July 1, 2021.

D.C. Act 23-497 Fairness in Renting Emergency Amendment Act of 2020

Sec. 509. Sealing of eviction court records.

- (a) The Superior Court shall seal all court records relating to an eviction proceeding:
 - (1) If the eviction proceeding does not result in a judgment for possession in favor of the housing provider, 30 days after the final resolution of the eviction proceeding; or

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(2) If the eviction proceeding results in a judgment for possession in favor of the housing provider, 3 years after the final resolution of the eviction proceeding; except, that, if the tenant was the defendant in any additional eviction proceedings that resulted in judgment for possession in favor of the housing provider during the 3-year period after the final resolution of the first eviction proceeding, the court shall seal the court records of all such proceedings at the completion of a 3-year period in which the tenant is not a defendant in another eviction proceeding that resulted in judgment for possession in favor of the housing provider.

(b) For court records relating to an eviction proceeding filed before March 11, 2020, the requirements of subsection (a) of this section shall apply as of January 1, 2021.

(c)(1) The Superior Court may seal court records relating to an eviction proceeding at any time, upon motion by a tenant, if:

(A) The tenant demonstrates by a preponderance of the evidence that:

(i) The housing provider brought the eviction proceeding because the tenant failed to pay an amount of \$600 or less;

(ii) The tenant was evicted from a unit under a federal or District site-based housing assistance program or a federal or District tenant-based housing assistance program;

(iii) The housing provider's initiation of eviction proceedings against the tenant was in violation of:

(I) Section 502; or

(II) Section 261 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.61);

(iv) The housing provider failed to timely abate a violation of 14 DCMR § 100 *et seq.* or 12G DCMR 100 *et seq.* in relation to the defendant tenant's rental unit;

(v) The housing provider initiated the eviction proceedings because of an incident that would constitute a defense to an action for possession under section 501(c-1) or federal law pertaining to domestic violence, dating violence, sexual assault, or stalking; or

(vi) The parties entered into a settlement agreement that did not result in the housing provider recovering possession of the rental unit; or

(B) The Superior Court determines that there are other grounds justifying such relief.

(2) An order dismissing, granting, or denying a motion filed under this subsection shall be a final order for purposes of appeal.

(3)(A) A copy of an order issued under this subsection shall be provided to the tenant or his or her counsel.

(B) A tenant may obtain a copy of an order issued under this subsection at any time from the Clerk of the Superior Court, upon proper identification, without a showing of need.

(d) Records sealed under this section shall be opened only:

(1) Upon written request of the tenant; or

(2) On order of the Superior Court upon a showing of compelling need.

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(e) The Superior Court shall not order the redaction of the tenant's name from any published opinion of the trial or appellate courts that refer to a record sealed under this section.

Sec. 510. Tenant screening.

(a) Before requesting any information from a prospective tenant as a part of tenant screening, a housing provider shall first notify the prospective tenant in writing, or by posting in a manner accessible to prospective tenants:

(1) The types of information that will be accessed to conduct a tenant screening;

(2) The criteria that may result in denial of the application; and

(3) If a credit or consumer report is used, the name and contact information of the credit or consumer reporting agency and a statement of the prospective tenant's rights to obtain a free copy of the credit or consumer report in the event of a denial or other adverse action.

(b) For the purposes of tenant screening, a housing provider shall not make an inquiry about, require the prospective tenant to disclose or reveal, or base an adverse action on:

(1) Whether a previous action to recover possession from the prospective tenant occurred if the action:

(A) Did not result in a judgment for possession in favor of the housing provider; or

(B) Was filed 3 or more years ago.

(2) Any allegation of a breach of lease by the prospective tenant if the alleged breach:

(A) Stemmed from an incident that the prospective tenant demonstrates would constitute a defense to an action for possession under section 501(c-1) or federal law pertaining to domestic violence, dating violence, sexual assault, or stalking; or

(B) Took place 3 or more years ago.

(c) A housing provider shall not base an adverse action solely on a prospective tenant's credit score, although information within a credit or consumer report directly relevant to fitness as a tenant can be relied upon by a housing provider.

(d) If a housing provider takes an adverse action, he or she shall provide a written notice of the adverse action to the prospective tenant that shall include:

(1) The specific grounds for the adverse action;

(2) A copy or summary of any information obtained from a third-party that formed a basis for the adverse action; and

(3) A statement informing the prospective tenant of his or her right to dispute the accuracy of any information upon which the housing provider relied in making his or her determination.

(e)(1) After receipt of a notice of an adverse action, a prospective tenant may provide to the housing provider any evidence that information relied upon by the housing provider is:

(A) Inaccurate or incorrectly attributed to the prospective tenant; or

(B) Based upon prohibited criteria under subsection (b) or subsection (c) of this section.

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(2) The housing provider shall provide a written response, which may be by mail, electronic mail, or in person, to the prospective tenant with respect to any information provided under this subsection within 30 business days after receipt of the information from the prospective tenant.

(3) Nothing in this subsection shall be construed to prohibit the housing provider from leasing a housing rental unit to other prospective tenants.

(f) Any housing provider who knowingly violates any provision of this section, or any rule issued to implement this section, shall be subject to a civil penalty for each violation not to exceed \$1,000.

(g) For the purposes of this section, the term:

(1) "Adverse action" means:

(A) Denial of a prospective tenant's rental application; or

(B) Approval of a prospective tenant's rental application, subject to terms or conditions different and less-favorable to the prospective tenant than those included in any written notice, statement, or advertisement for the rental unit, including written communication sent directly from the housing provider to a prospective tenant.

(2) "Tenant screening" means any process used by a housing provider to evaluate the fitness of a prospective *tenant*.

(h) This section shall apply as of January 1, 2021.

Massachusetts HOMES Act, § 1 (Bill S.824, 2019-2020)

SECTION 1. Chapter 186 of the General Laws is hereby amended by adding after Section 29 the following section:-

Section 30. (a) Definitions. As used in this Act:

(1) "Consumer" means an individual.

(2) "Consumer report" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for rental housing or other purposes authorized under section 51 of chapter 93.

(3) A "consumer reporting agency" is any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(4) "Court record" means all or any portion of court papers, documents, exhibits, orders, recordings, dockets, and other records that are made, entered, filed, and/or maintained by the Clerk in connection with a case or proceeding, including any whole or partial information content of court records stored in an electronic database or other electronic court record maintained by the Trial Court or any of its divisions.

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(5) "Dissemination" or "disseminate" means to publish, produce, print, manufacture, copy, distribute, sell, lease, exhibit, broadcast, display, transmit, or otherwise share information in any format so as to make the information accessible to others.

(6) "Eviction action" means a summary process action under chapter 239 to recover possession of residential premises; a civil action under section 19 of chapter 139 to obtain an order requiring a tenant or occupant to vacate residential premises; or any other civil action brought against a tenant or occupant of residential premises to obtain possession of or exclusive access to a dwelling.

(7) "Fault eviction" means an eviction action brought pursuant to section 4(a)(ii) of chapter 186A, under section 19 of chapter 139, or in which the notice to quit or complaint alleges a material violation of the terms of a residential tenancy or occupancy other than nonpayment of rent or failure to vacate following the termination of a tenancy. An action brought after termination of a tenancy for economic, business, or other reasons not constituting a violation of the terms of the tenancy shall not be deemed a fault eviction for purposes of this Act.

(8) "No-fault eviction" means any eviction action in which the notice of termination does not include an allegation of nonpayment of rent or of violation of any material term of the tenancy by the tenant or occupant, other than a failure to vacate after the expiration of a lease or other termination of the tenancy. An action brought after termination of a tenancy for economic, business, or other reasons not constituting a violation of the terms of the tenancy shall be deemed a no-fault eviction for purposes of this Act.

(9) "Nonpayment eviction" means an eviction action brought pursuant to a notice to quit for nonpayment of rent, including an action brought pursuant to section 11 or 12 of chapter one hundred eighty-six, or under section 4(a)(1) of chapter one hundred eighty-six A.

(10) "Sealing" or "seal" shall mean the act of keeping some or all of the court record confidential and unavailable for public inspection, except as specifically provided for in section (c) of this Act.

(b) Scope. This Act shall apply to court records in eviction actions as well as any civil action brought against the owner, manager, or lessor of residential premises by the tenant or occupant of such premises relating to or arising out of such property, rental, tenancy, or occupancy for breach of warranty, for a breach of any material provision of the rental agreement, or for a violation of any other law. The Act shall apply to all court records regardless of the date on which they were made, entered, filed, or maintained, including but not limited to court records of cases entered or disposed of prior to the effective date of the Act.

(c) Sealing of court records.

(1) The court records in any eviction action or in any other civil action covered by this section shall be deemed sealed immediately or upon filing, whichever is sooner, and shall not be available for public inspection except as provided in this section. Sealed court records shall remain open at all reasonable times for inspection, on equal terms and conditions established by the Trial Court, by the parties to the litigation and their attorneys. A party may authorize a designee to access a sealed court record on the party's behalf for the sole purpose of providing assistance to the party; provided, however, that such access shall be subject to agreement by the authorized designee to the confidentiality and use provisions of section (d) herein.

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(2) Upon filing of an action covered by this section, the clerk of the court shall send to the parties:

(i) notice of the filing of the action

(ii) a statement that the court records in the case are sealed and shall not be disclosed to third parties except as provided in this section;

(iii) instructions for accessing the court records in the case;

(iv) a sample form authorization for third party access to the records; and

(v) a list of local bar associations and other nonprofit resources available to assist the parties in the matter.

(3) A sealed court record in an eviction or other civil action covered by this section shall be made available for inspection by the public thirty (30) days following the occurrence of any of the following:

(i) entry of final judgment, after summary judgment or a trial on the merits, for possession or damages in favor the plaintiff in a fault or nonpayment eviction action; or

(ii) entry of final judgment, after summary judgment or a trial on the merits, for damages or injunctive or declaratory relief in favor of the plaintiff in a civil action to enforce the rights of a tenant or occupant of residential premises after summary judgment or a trial on the merits; or

(iii) the filing of the receipt required by section 4(a) of chapter two hundred thirty-nine by an officer levying on an execution for possession in favor of the plaintiff in a fault or nonpayment eviction action following entry of judgment by agreement.

Such records shall remain available for public inspection for 3 years, unless a shorter period is designated by court order upon good cause shown or by agreement of the parties. The names of minor children shall remain sealed at all times. With respect to sealed court records created prior to the effective date of the Act, the Trial Court shall have 180 days to identify those records that should be made available for inspection by the public under subsections (i)-(iii) of this paragraph. All court records existing at the time of, or predating, the effective date of this Act shall remain sealed until such time as the Trial Court has identified the records to be made publicly available.

(4) A party who believes that court records in a case have been improperly classified and made available or unavailable for public inspection under this section may petition the court to seal or unseal such records. Court records subject to a motion to seal for improper classification under this section shall be shielded from public inspection until such motion is adjudicated. In the event of a clerical error, the clerk shall correct the error forthwith without hearing and without the necessity of appearance of any party or counsel.

(5) Upon motion and for good cause shown, or as otherwise authorized by this section, court records sealed under this section may at the discretion of the court upon a balancing of the interests of the litigants and the public in nondisclosure of the information with the interests of the requesting party, be made available for scholarly, educational, journalistic, or governmental purposes only, provided, however, that identifying information of parties shall remain sealed unless the court determines that release of such information is appropriate under this paragraph

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and necessary to fulfill the purpose of the request. Nothing in this paragraph shall be deemed to permit the release of personal identifying information for commercial purposes.

(d) Publication and use of court records.

(1) A consumer reporting agency shall not disclose the existence of, or information regarding, an eviction action or other civil action sealed or made confidential under this section or use such action as a factor to determine any score or recommendation to be included in a consumer report regarding any person named in such case. A consumer reporting agency may include in a consumer report information found in publicly available court records, provided, however, that (i) the consumer's full name, date of birth, social security number, and both basis and outcome of any eviction action reported are included in the report, (ii) the consumer is permitted to include a 100-word statement about any court record included in any way in the report, and (iii) such information must be removed from the report or from the calculation of any score or recommendation therein within 7 days of the sealing or impoundment of the court record from which it is derived. Nothing in this paragraph shall be deemed to waive the rights or remedies of any consumer under any other law or regulation. Any credit reporting agency that commits an act in violation of this section shall be liable to the affected consumer for actual and consequential damages or for \$2000 for each violation, whichever is greater, and the costs of the action, including a reasonable attorney's fee.

(2) A third party authorized to access sealed court records on a party's behalf under paragraph (c)(1) shall maintain the confidentiality of the records except insofar as is necessary to assist the party and shall not disclose such records or the information contained therein to a consumer reporting agency.

(3) It shall be unlawful to ask an applicant for housing, shelter, credit, or employment about such applicant's tenancy-related litigation history, including receipt of any notice to quit, except as specified in this paragraph. It shall be permissible to ask whether an applicant has, in the previous three years, been subject to (A) entry of final judgment for possession or damages in favor of the plaintiff in a fault or nonpayment eviction action after summary judgment or a trial on the merits, or (B) levy of an execution for possession in favor of the plaintiff in a fault or nonpayment eviction action following entry of judgment by agreement, so long as such inquiry is accompanied simultaneously in writing in clear and readable text by the following statement: "An applicant with a sealed record in a housing case may answer 'no record'." Notwithstanding this paragraph, it shall be permissible for a government agency or instrumentality or not-for-profit entity offering emergency public or subsidized housing or shelter to request that an applicant or the applicant's designee provide information about a sealed eviction court record solely for the purpose of assessing whether the applicant meets the statutory or regulatory criteria for eligibility for such emergency housing program. It shall further be permissible for a government or not-for-profit housing stabilization program, such as a program offering emergency funding or other services to promote tenancy preservation, to request that an applicant or the applicant's designee provide information about a sealed court record solely for the purpose of providing stabilization services to a tenant or occupant of residential housing. Information so obtained shall not be disseminated except as permitted by this Act. Any violation or failure to comply with this subsection shall constitute an unfair or deceptive practice in violation of chapter 93A. Any person who commits an act in violation of this section shall also be liable to the affected tenant or occupant for actual and consequential damages or \$500 for

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each violation, whichever is greater, and the costs of the action, including a reasonable attorney's fee.

(4) The housing, district, and superior courts shall have jurisdiction in equity to enforce this section. Nothing in this section prohibits the dissemination of information regarding a money judgment as necessary for the sole purpose of collection.

(e) Notice of tenant screening report. If a prospective landlord or lessor requests from a consumer reporting agency a consumer report that includes or is in whole or in part based on information contained in any court record covered by this section, or would include such information if it were available, including but not limited to a consumer report marketed or typically used for tenant screening, the consumer reporting agency shall provide a copy of the report to the consumer.

(f) Duty to record satisfaction of judgment. A party who obtains a judgment that is reflected in a court record available for inspection by the public shall, within 14 days of satisfaction of the judgment, file with the court in which the judgment was entered a notice satisfaction of the judgment. A party that has satisfied a judgment may, upon noncompliance with this section by the other party, seek equitable relief to correct the court record, and shall be entitled to costs and a reasonable attorney's fee. Upon the filing of a notice of satisfaction of judgment, or court action deeming the judgment satisfied, the clerk of court shall seal the court records pertaining to the case.

(g) Data collection.

(1) The clerk of the court or their designee shall maintain a record in the aggregate of the number of fault, nonpayment, and no-fault eviction actions; a count of the final dispositions of such eviction actions; the number of default judgments entered by type of eviction action; the number of executions issued by party by type of eviction action; the total number of cases transferred to the Housing Court; and other information as it determines. The Court shall make available to the public and report semi-annually such aggregate information, by zip code, in such a manner as to protect the identity of the parties and to promote the goals of this Act.

(2) A municipality may require the owner or lessor of a dwelling unit to provide to such municipality a copy of any notice to quit or notice of nonrenewal of a lease served on the tenant or occupant of such dwelling unit for purposes of data collection and analysis and to enable such municipality to direct housing stabilization or dispute resolution resources to the involved parties. It shall be unlawful for the municipality to provide any notice received under this section to a credit reporting agency or other person or entity seeking to use such information for the purpose of screening tenants or occupants for housing, employment, or credit. In accordance with the remedial goals of this Act, information so collected shall not be subject to mandatory disclosure under section 10 of chapter 66 or otherwise.

New York State Real Property Law § 227-F

Denial on the basis of involvement in prior disputes prohibited.

1. No landlord of a residential premises shall refuse to rent or offer a lease to a potential tenant on the basis that the potential tenant was involved in a past or pending landlord-tenant action or summary proceeding under article seven of the real property actions and proceedings law. There

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shall be a rebuttable presumption that a person is in violation of this section if it is established that the person requested information from a tenant screening bureau relating to a potential tenant or otherwise inspected court records relating to a potential tenant and the person subsequently refuses to rent or offer a lease to the potential tenant.

2. Whenever the attorney general shall believe from evidence satisfactory to him or her that any person, firm, corporation or association or agent or employee thereof has violated subdivision one of this section, he or she may bring an action or special proceeding in the supreme court for a judgment enjoining the continuance of such violation and for a civil penalty of not less than five hundred dollars, but not more than one thousand dollars for each violation.