Housing Committee, Tuesday, February 28, 2023
Testimony submitted by
Greater Hartford Legal Aid, Connecticut Legal Services &
New Haven Legal Assistance Association

**HB 6781 "An Act Addressing Housing Affordability for Residents In the State": Support With Proposed Amendment to Section 11 & Additional Language on Eviction Records**

The above-named legal services organizations write in **support of HB 6781,** and in particular in support of Section 11, which protects tenants from being denied rental housing based on eviction records. We propose an **amendment to shorten the permissible look-back period for eviction records to three years rather than five years**, which would bring this protection in line with the current availability of Judicial Branch records of eviction judgments. We also offer **additional language** to ensure that eviction records data on the forward-facing Judicial Branch web site and the Judicial Branch data sold to commercial purchasers conform to the protections afforded by HB 6781.

Our legal services organizations represent hundreds of tenants in eviction proceedings each year, most recently through the statewide "Right to Counsel" eviction defense program. Time and again, we hear from our clients and former clients that they have difficulty securing safe and adequate housing because there is "an eviction" on their record, even if the eviction case was dismissed or withdrawn and did not result in a judgment against them.

Tenants can be denied housing based on a prior eviction filing even if it was for a "no fault" reason, such as the landlord wanted to move back into the house. Tenants have had to live in their cars because of a record of an eviction that was withdrawn or dismissed, or that was for lapse of time. A tenant screening report may list the docket numbers of eviction cases that in fact were withdrawn or dismissed, without stating the basis of the eviction. Some tenant screening

companies do not state the outcome of an eviction matter based on their analysis of the data that they obtain from the Judicial Branch.[1]

For this reason, some tenants are so afraid of an eviction being filed against them that they will move out before the quit date even if they have no stable alternative housing yet identified, and even if there are defenses to the eviction. HB 6781 will help to protect tenants from being denied rental housing based on old records of evictions that may not even have resulted in judgments against them.

**We offer additional language, attached, reflecting the following proposed amendments that further the intent of Section 11:**

**Proposed Amendment to Look-Back Period of Section 11:** We propose that the look-back period for prior evictions should be **three years, rather than five years**, to match the length of time that records of eviction judgments are listed on the forward-facing Judicial Branch web site, which is available on the internet. It does not make sense to permit a tenant to be denied housing based on an eviction judgment that is no longer publicly available on the internet.

**Additional Language Regarding the Availability of Judicial Branch data:** We further offer additional language, attached, adding a provision regarding the availability of Judicial Branch eviction records data. This change would further the intent of HB 6781 by ensuring that records of evictions that were dismissed, withdrawn, or in which the tenant won are removed from the public, forward-facing Judicial Branch web site within 30 days, and that these records are not sold to commercial purchasers. This will ensure that only records of eviction judgments against the tenant remain available to the public on the internet, and to commercial screening companies, and only for the three-year period in which a

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[1] Sam Smink, *Renters' Rights: How Long Should an Eviction Stay On Your Records? A Proposed Bill Would Clear Some Records After Thirty Days*, WFSB, Feb. 24, 2023, *available at* https://www.wfsb.com/2023/02/24/renters-rights-how-long-should-an-eviction-stay-your-records-proposed-bill-would-clear-some-records-after-30-days/.

landlord lawfully could use them as a basis for a decision regarding a rental.

**Other jurisdictions have passed similar laws automatically removing records of dismissals and judgments for tenants, including** Arizona (Rev. Stat. § 33-1379); Nevada (Rev. Stat. Ann. § 40.2545); and D.C. (Code Ann. § 42-3505.09). California seals eviction filings immediately and does not unseal them unless there is a judgment for the landlord (Cal. Code § 1161.2). A number of other states restrict access in other ways.

**HB 6781, particularly with the addition of the proposed language, will further racial and gender equity.** African-American families in Connecticut are subject to eviction over three times more than white families, and Hispanic/Latino families over two times more.[2] In each racial group, women are more often impacted. Sixty-two percent of eviction filings against African-American households were against women, and fifty-nine percent of filings against Hispanic/Latino households were against women.[3] Consistent with these statistics, in the first year of Connecticut's "Right to Counsel" program, RTC clients were disproportionately women and African-American/Black or Hispanic.[4]

Permitting landlords to deny housing based on old eviction records, and keeping records on the Judicial Branch web site of filings that are dismissed or withdrawn or in which the tenant won, only compounds the economic harm and the disparate racial and gender impact of eviction filings.

We thank the Housing Committee for its consideration of this important change in the law, and our proposed additional language, which will ensure that

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[2] *See* CT Data Collaborative & CT Fair Housing Center, *Exposing Connecticut's Eviction Crisis: Understanding the Intersection of Race and Sex in Connecticut's Eviction Crisis*, *available at* https://www.ctdata.org/evictions-report.
[3] *Id.*
[4] Connecticut Eviction Right to Counsel Evaluation January 31 to November 20, 2022, *available at* https://www.evictionhelpct.org/wp-content/uploads/2023/01/22.12.30-Annual-Report-of-the-Right-to-Counsel-Program-for-Eviction-Proceedings.pdf.

tenants, and particularly families of color, are not unduly harmed by records of eviction filings.

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**HB 6781 Section 11 Proposed Amendment to Look-Back Period**

Sec. 11. (NEW) (*Effective October 1, 2023*) (a) It shall be a discriminatory practice in violation of this section for a housing provider to refuse to rent after making a bona fide offer, or to refuse to negotiate for the rental of, or otherwise make unavailable or deny a dwelling unit or deny occupancy in a dwelling unit, to any person based on such person's (1) prior eviction, except for an eviction during the [five] three years immediately preceding the rental application, or (2) status as a party to any summary process action that did not result in an eviction.

(b) Nothing in this section shall be construed to limit the applicability of any reasonable statute or municipal ordinance restricting the maximum number of persons permitted to occupy a dwelling.

(c) Any person aggrieved by a violation of this section may file a complaint not later than one hundred eighty days after the alleged act of discrimination, pursuant to section 46a-82 of the general statutes, as 498 amended by this act.

(d) Notwithstanding any other provision of chapter 814c of the general statutes, complaints alleging a violation of this section shall be 501 investigated not later than one hundred days after filing and a final administrative disposition shall be made not later than one year after filing unless it is impracticable to do so. If the Commission on Human Rights and Opportunities is unable to complete its investigation or make a final administrative determination within such time frames, it shall 506 notify the complainant and the respondent, in writing, of the reasons for 507 not doing so.

**Additional Language on Availability of Judicial Branch Eviction Records**

Sec. ___ (NEW) *Effective January 1, 2024)* ) (a) In any summary process action instituted pursuant to chapter 832 or chapter 412 of the general statutes, within thirty calendar days of (1) the withdrawal of such action, (2) a judgment of dismissal or nonsuit of the action upon any grounds, or (3) a final disposition of the action that includes a judgment for the defendant, the Judicial Branch shall remove from its Internet website any records or identifying information concerning such summary process action.

(b) In any summary process action instituted pursuant to chapter 832 or chapter 412

of the general statutes, not later than three years after the entry of a judgment for the plaintiff, the Judicial Branch shall remove from its Internet website any records or identifying information concerning such summary process action, except that such records or identifying information may be removed from the Judicial Branch Internet web site at an earlier date upon order of the court.

(c) If there is any post-disposition activity in a case removed pursuant to subsection (a) or (b) of this section or a case that continues beyond its removal date because of an appeal, the Judicial Branch shall restore the case to or retain the case on the Judicial Branch web site, in which case the records shall remain on the Judicial Branch web site until thirty calendar days after final disposition, or the applicable time period from the original disposition specified in (a) or (b), whichever is later.

(d) Records of summary process actions that have been removed from the Judicial Branch Internet web site pursuant to this section shall not be included in any sale or transfer of bulk case records by the Judicial Branch to any person or entity purchasing such records for commercial purposes.

(e) No person or entity shall, for commercial purposes, disclose records related to summary process actions that have been removed from the Judicial Branch Internet website pursuant to the timeframes set forth in subsections (a) and (b).

(f) For purposes of this section, "commercial purposes" shall include (1) the individual or bulk sale of such records, (2) the making of consumer reports containing such records, (3) any other use related to screening prospective tenants, and (4) any other use of such records for pecuniary gain, but shall not include the use of such records for governmental, scholarly, educational, journalistic, or other non-commercial purposes. Nothing in this section shall preclude publication of formal written judicial opinions by the Judicial Branch or by case reporting services.