

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S4/22/21

A Bill

SENATE BILL 476

5 By: Senator C. Tucker
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING EVICTION
9 PROCEEDINGS; TO ALLOW THE COURT TO SEAL CERTAIN COURT
10 RECORDS; TO DECLARE AN EMERGENCY; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING EVICTION
15 PROCEEDINGS; TO ALLOW THE COURT TO SEAL
16 CERTAIN COURT RECORDS; AND TO DECLARE AN
17 EMERGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Title 18, Chapter 17, Subchapter 9, is amended to add an
24 additional section that reads as follows:

25 18-17-914. Sealing of court records for eviction.

26 (a) As used in this section, "adversely impacted" means the tenant's
27 failure to pay rent was caused by the coronavirus 2019 (COVID-19) pandemic.

28 (b) Upon a motion by a defendant regarding a matter of eviction, the
29 court shall seal a court record relating to an action for eviction based upon
30 nonpayment of rent if the:

31 (1) Complaint was filed on or after March 1, 2020;

32 (2) Court finds that the tenant's failure to pay rent was due to
33 the tenant's being adversely impacted by the coronavirus 2019 (COVID-19)
34 pandemic; and

35 (3) Motion permitted by this subsection is filed within one
36 hundred eighty (180) days of the termination of any executive order issued by



1 the Governor declaring an emergency related to the coronavirus 2019 (COVID-
2 19) pandemic, including without limitation any future executive order
3 declaring an emergency related to the coronavirus 2019 (COVID-19) pandemic.

4 (c) This section shall apply to an action for eviction for nonpayment
5 of rent under:

6 (1) This subchapter;

7 (2) § 18-16-101; or

8 (3) § 18-60-304.

9 (d) A defendant shall not be able to have the court seal a court
10 record under subsection (b) of this section more than three (3) times.

11 (e) The sealing of a court record relating to an eviction under this
12 section does not inhibit a landlord from enforcing a judgment entered against
13 the defendant due to the eviction either in the jurisdiction in which the
14 court record is sealed or any other jurisdiction.

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16 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
17 General Assembly of the State of Arkansas that the Centers for Disease
18 Control and Prevention has determined that a public health emergency exists
19 as a result of the coronavirus 2019 (COVID-19) pandemic; that studies show
20 that the availability of adequate housing has a direct impact on a person's
21 health; that the coronavirus 2019 (COVID-19) pandemic has negatively impacted
22 state and federal economies; and that if eviction records for tenants who
23 were adversely impacted by the coronavirus 2019 (COVID-19) pandemic are
24 publically searchable, landlords are likely to refuse to rent to tenants who
25 were evicted during the coronavirus 2019 (COVID-19) pandemic, and this will
26 exacerbate the health and economic issues in this state resulting from the
27 coronavirus 2019 (COVID-19) pandemic. Therefore, an emergency is declared to
28 exist, and this act being immediately necessary for the preservation of the
29 public peace, health, and safety shall become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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/s/C. Tucker