

2020 Second Extraordinary Session

HOUSE BILL NO. 46

BY REPRESENTATIVE JAMES

HOUSING: Provides relative to the sealing of eviction records (Items #68 and 70)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4918 and enact R.S. 13:917.1, 917.2,
3 1221.1, 1221.2, 1904.1, 1904.2, 2166.1, 2166.2, 2562.28, 2562.29; 2563.18, and
4 2563.19, relative to eviction proceeding records; to provide for the sealing of
5 eviction records in certain circumstances; to provide for the prohibition of
6 disseminating eviction information; to provide for eviction record sealing during the
7 COVID-19 declared state of emergency; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Civil Procedure Article 4918 is hereby amended and reenacted
10 to read as follows:

11 Art. 4918. Record of the case; subsequent entries; justice of the peace courts;
12 district courts with concurrent jurisdiction; prohibition on dissemination of
13 eviction information

14 A. When no written pleadings are required, the justice of the peace or the
15 clerk of court shall record in a permanent book or case file the title of the case, the
16 docket number, the name and address of all parties, a brief statement of the nature
17 and amount of the claim, the issuance and service of citation, the defenses pleaded,
18 motions and other pleas made, the names of witnesses who testified, a list of the
19 documents offered at the trial, the rendition of judgment, and any appeal therefrom.

1 B. Justice of the peace courts are prohibited from disseminating any of the
2 records or files maintained under Subsection A for all residential eviction
3 proceedings in the following:

4 (1) The proceedings are dismissed prior to the eviction hearing.

5 (2) The court renders judgment in an eviction proceeding in favor of the
6 lessee or occupant.

7 (3) The court renders judgment in an eviction proceeding in favor of the
8 lessor or owner for reasons other than a violation by the lessee or occupant.

9 (4) The court enters a consent judgment between the parties.

10 C. Justice of the peace courts are subject to the provisions of R.S. 13:917.2.

11 Section 2. R.S. 13:917.1, 917.2, 1221.1, 1221.2, 1904.1, 1904.2, 2166.1, 2166.2,
12 2562.28, 2562.29, 2563.18, and 2563.19 are hereby enacted to read as follows:

13 §917.1. Sealing of eviction records

14 A. The clerk of court shall seal all records of any eviction proceedings at the
15 time of filing to prevent access from public view. Nothing in this Subsection shall
16 prevent access to the records of an eviction proceeding by the lessor or owner, the
17 lessee or occupant, the attorney or designated representative of the lessor, owner,
18 lessee, or occupant, or a representative of Loyola University New Orleans College
19 of Law, Law Clinic for data aggregation and research purposes.

20 B. If any of the following occurs, neither the clerk nor the parties shall
21 disseminate the records pursuant to this Section to third parties:

22 (1) The proceedings are dismissed prior to the eviction hearing.

23 (2) The court renders judgment in an eviction proceeding in favor of the
24 lessee or occupant.

25 (3) The court renders judgment in an eviction proceeding in favor of the
26 lessor or owner for reasons other than a violation by the lessee or occupant.

27 (4) The court enters a consent judgment between the parties.

28 C.(1) If the court renders judgment in an eviction proceeding in favor of the
29 lessor or owner after a finding of a violation by the lessee or occupant, the records

1 of the eviction proceedings shall remain sealed except for a period of one year
2 commencing on the first day of the month following the signing of the judgment of
3 eviction.

4 (2) Upon the running of the one-year period as provided in Paragraph (1) of
5 this Subsection, no judgment shall be further reported to any third party reporting
6 agency not named in Subsection A of this Section.

7 §917.2. Sealing of eviction records during a declared state of emergency

8 A. In light of the COVID-19 pandemic and declared states of emergency by
9 Governor John Bel Edwards's proclamations, any filing, pleading, or judgment of
10 eviction rendered for non-payment of rent or judgment rendered in an eviction
11 proceeding in favor of the lessor or owner for reasons other than a violation by the
12 lessee or occupant between March 16, 2020, and August 1, 2021, shall be
13 immediately sealed and remain sealed.

14 B. No cause of action shall exist against any clerk or judge for the sealing
15 of such records in accordance with the provisions of this Section.

16 * * *

17 §1221.1. Sealing of eviction records

18 A. The clerk of court shall seal all records of any eviction proceedings at the
19 time of filing to prevent access from public view. Nothing in this Subsection shall
20 prevent access to the records of an eviction proceeding by the lessor or owner, the
21 lessee or occupant, the attorney or designated representative of the lessor, owner,
22 lessee, or occupant, or a representative of Loyola University New Orleans College
23 of Law, Law Clinic for data aggregation and research purposes.

24 B. If any of the following occurs, neither the clerk nor the parties shall
25 disseminate the records pursuant to this Section to third parties:

26 (1) The proceedings are dismissed prior to the eviction hearing.

27 (2) The court renders judgment in an eviction proceeding in favor of the
28 lessee or occupant.

1 (3) The court renders judgment in an eviction proceeding in favor of the
2 lessor or owner for reasons other than a violation by the lessee or occupant.

3 (4) The court enters a consent judgment between the parties.

4 C.(1) If the court renders judgment in an eviction proceeding in favor of the
5 lessor or owner after a finding of a violation by the lessee or occupant, the records
6 of the eviction proceedings shall remain sealed except for a period of one year
7 commencing on the first day of the month following the signing of the judgment of
8 eviction.

9 (2) Upon the running of the one-year period as provided in Paragraph (1) of
10 this Subsection, no judgment shall be further reported to any third-party reporting
11 agency not named in Subsection A of this Section.

12 §1221.2. Sealing of eviction records during a declared state of emergency

13 A. In light of the COVID-19 pandemic and declared states of emergency by
14 Governor John Bel Edwards's proclamations, any filing, pleading, or judgment of
15 eviction rendered for non-payment of rent or judgment rendered in an eviction
16 proceeding in favor of the lessor or owner for reasons other than a violation by the
17 lessee or occupant between March 16, 2020, and August 1, 2021, shall be
18 immediately sealed and remain sealed.

19 B. No cause of action shall exist against any clerk or judge for the sealing
20 of such records in accordance with the provisions of this Section.

21 * * *

22 §1904.1. Sealing of eviction records

23 A. The clerk of court shall seal all records of any eviction proceedings at the
24 time of filing to prevent access from public view. Nothing in this Subsection shall
25 prevent access to the records of an eviction proceeding by the lessor or owner, the
26 lessee or occupant, the attorney or designated representative of the lessor, owner,
27 lessee, or occupant, or a representative of Loyola University New Orleans College
28 of Law, Law Clinic for data aggregation and research purposes.

1 B. If any of the following occurs, neither the clerk nor the parties shall
2 disseminate the records pursuant to this Section to third parties:

3 (1) The proceedings are dismissed prior to the eviction hearing.

4 (2) The court renders judgment in an eviction proceeding in favor of the
5 lessee or occupant.

6 (3) The court renders judgment in an eviction proceeding in favor of the
7 lessor or owner for reasons other than a violation by the lessee or occupant.

8 (4) The court enters a consent judgment between the parties.

9 C.(1) If the court renders judgment in an eviction proceeding in favor of the
10 lessor or owner after a finding of a violation by the lessee or occupant, the records
11 of the eviction proceedings shall remain sealed except for a period of one year
12 commencing on the first day of the month following the signing of the judgment of
13 eviction.

14 (2) Upon the running of the one-year period as provided in Paragraph (1) of
15 this Subsection, no judgment shall be further reported to any third party reporting
16 agency not named in Subsection A of this Section.

17 §1904.2. Sealing of eviction records during a declared state of emergency

18 A. In light of the COVID-19 pandemic and declared states of emergency by
19 Governor John Bel Edwards's proclamations, any filing, pleading, or judgment of
20 eviction rendered for non-payment of rent or judgment rendered in an eviction
21 proceeding in favor of the lessor or owner for reasons other than a violation by the
22 lessee or occupant between March 16, 2020, and August 1, 2021, shall be
23 immediately sealed and remain sealed.

24 B. No cause of action shall exist against any clerk or judge for the sealing
25 of such records in accordance with the provisions of this Section.

26 * * *

27 §2166.1. Sealing of eviction records

28 A. The clerk of court shall seal all records of any eviction proceedings at the
29 time of filing to prevent access from public view. Nothing in this Subsection shall

1 prevent access to the records of an eviction proceeding by the lessor or owner, the
2 lessee or occupant, the attorney or designated representative of the lessor, owner,
3 lessee, or occupant, or a representative of Loyola University New Orleans College
4 of Law, Law Clinic for data aggregation and research purposes.

5 B. If any of the following occurs, neither the clerk nor the parties shall
6 disseminate the records pursuant to this Section to third parties:

7 (1) The proceedings are dismissed prior to the eviction hearing.

8 (2) The court renders judgment in an eviction proceeding in favor of the
9 lessee or occupant.

10 (3) The court renders judgment in an eviction proceeding in favor of the
11 lessor or owner for reasons other than a violation by the lessee or occupant.

12 (4) The court enters a consent judgment between the parties.

13 C.(1) If the court renders judgment in an eviction proceeding in favor of the
14 lessor or owner after a finding of a violation by the lessee or occupant, the records
15 of the eviction proceedings shall remain sealed except for a period of one year
16 commencing on the first day of the month following the signing of the judgment of
17 eviction.

18 (2) Upon the running of the one-year period as provided in Paragraph (1) of
19 this Subsection, no judgment shall be further reported to any third party reporting
20 agency not named in Subsection A of this Section.

21 §2166.2. Sealing of eviction records during a declared state of emergency

22 A. In light of the COVID-19 pandemic and declared states of emergency by
23 Governor John Bel Edwards's proclamations, any filing, pleading, or judgment of
24 eviction rendered for non-payment of rent or judgment rendered in an eviction
25 proceeding in favor of the lessor or owner for reasons other than a violation by the
26 lessee or occupant between March 16, 2020, and August 1, 2021, shall be
27 immediately sealed and remain sealed.

1 B. No cause of action shall exist against any clerk or judge for the sealing
2 of such records in accordance with the provisions of this Section.

3 * * *

4 §2562.28. Sealing of eviction records

5 A. The clerk of court shall seal all records of any eviction proceedings at the
6 time of filing to prevent access from public view. Nothing in this Subsection shall
7 prevent access to the records of an eviction proceeding by the lessor or owner, the
8 lessee or occupant, the attorney or designated representative of the lessor, owner,
9 lessee, or occupant, or a representative of Loyola University New Orleans College
10 of Law, Law Clinic for data aggregation and research purposes.

11 B. If any of the following occurs, neither the clerk nor the parties shall
12 disseminate the records pursuant to this Section to third parties:

- 13 (1) The proceedings are dismissed prior to the eviction hearing.
14 (2) The court renders judgment in an eviction proceeding in favor of the
15 lessee or occupant.
16 (3) The court renders judgment in an eviction proceeding in favor of the
17 lessor or owner for reasons other than a violation by the lessee or occupant.
18 (4) The court enters a consent judgment between the parties.

19 C.(1) If the court renders judgment in an eviction proceeding in favor of the
20 lessor or owner after a finding of a violation by the lessee or occupant, the records
21 of the eviction proceedings shall remain sealed except for a period of one year
22 commencing on the first day of the month following the signing of the judgment of
23 eviction.

24 (2) Upon the running of the one-year period as provided in Paragraph (1) of
25 this Subsection, no judgment shall be further reported to any third party reporting
26 agency not named in Subsection A of this Section.

27 §2562.29. Sealing of eviction records during a declared state of emergency

28 A. In light of the COVID-19 pandemic and declared states of emergency by
29 Governor John Bel Edwards's proclamations, any filing, pleading, or judgment of

1 eviction rendered for non-payment of rent or judgment rendered in an eviction
2 proceeding in favor of the lessor or owner for reasons other than a violation by the
3 lessee or occupant between March 16, 2020, and August 1, 2021, shall be
4 immediately sealed and remain sealed.

5 B. No cause of action shall exist against any clerk or judge for the sealing
6 of such records in accordance with the provisions of this Section.

7 * * *

8 §2563.18. Sealing of eviction records

9 A. The clerk of court shall seal all records of any eviction proceedings at the
10 time of filing to prevent access from public view. Nothing in this Subsection shall
11 prevent access to the records of an eviction proceeding by the lessor or owner, the
12 lessee or occupant, the attorney or designated representative of the lessor, owner,
13 lessee, or occupant, or a representative of Loyola University New Orleans College
14 of Law, Law Clinic for data aggregation and research purposes.

15 B. If any of the following occurs, neither the clerk nor the parties shall
16 disseminate the records pursuant to this Section to third parties:

- 17 (1) The proceedings are dismissed prior to the eviction hearing.
- 18 (2) The court renders judgment in an eviction proceeding in favor of the
19 lessee or occupant.
- 20 (3) The court renders judgment in an eviction proceeding in favor of the
21 lessor or owner for reasons other than a violation by the lessee or occupant.
- 22 (4) The court enters a consent judgment between the parties.

23 C.(1) If the court renders judgment in an eviction proceeding in favor of the
24 lessor or owner after a finding of a violation by the lessee or occupant, the records
25 of the eviction proceedings shall remain sealed except for a period of one year
26 commencing on the first day of the month following the signing of the judgment of
27 eviction.

1 (2) Upon the running of the one-year period as provided in Paragraph (1) of
2 this Subsection, no judgment shall be further reported to any third party reporting
3 agency not named in Subsection A of this Section.

4 §2563.19. Sealing of eviction records during a declared state of emergency

5 A. In light of the COVID-19 pandemic and declared states of emergency by
6 Governor John Bel Edwards's proclamations, any filing, pleading, or judgment of
7 eviction rendered for non-payment of rent or judgment rendered in an eviction
8 proceeding in favor of the lessor or owner for reasons other than a violation by the
9 lessee or occupant between March 16, 2020, and August 1, 2021, shall be
10 immediately sealed and remain sealed.

11 B. No cause of action shall exist against any clerk or judge for the sealing
12 of such records in accordance with the provisions of this Section.

13 Section 3. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 46 Original 2020 Second Extraordinary Session James

Abstract: Requires certain eviction records to be sealed and prohibits the dissemination of sealed eviction records in certain circumstances and during the COVID-19 declared state of emergency.

Present law (R.S. 13:917, 1904, 2562.26) provides for the destruction of eviction records after ten years elapses from the last date of action in district and city courts other than Orleans, as well as the First and Second Parish Court for Jefferson Parish. Further provides that no cause of action shall exist for any clerk or judge for the destruction of such records.

Present law (R.S. 13:1221) provides for the destruction of useless records with consent of the majority of judges and authorization from the state archivist in the Parish of Orleans District Court.

Proposed law (R.S. 13:917.1, 1221.1, 1904.1, 2166.1, 2562.28, and 2563.18) retains present law but requires the clerk of court to seal all eviction records at the time of filing and provides for exceptions.

Proposed law requires certain eviction records to remain sealed except for a one-year period commencing on the first day of the month following the signing of the judgment.

Proposed law (C.C.P. 4918) prohibits justice of the peace courts from disseminating eviction proceeding records subject to the declared state of emergency seal as provided by proposed law (R.S. 13:917.2).

Proposed law (R.S. 13:917.2, 1221.2, 1904.2, 2166.2, 2562.29, and 2563.19) provides that evictions ordered between March 16, 2020, and August 1, 2020, for nonpayment of rent or in favor of the landlord-petitioner for reasons other than tenant-respondent violation, shall be sealed.

(Amends C.C.P. 4918; Adds R.S. 13:917.1, 917.2, 1221.1, 1221.2, 1904.1, 1904.2, 2166.1, 2166.2, 2562.28, 2562.29, 2563.18, and 2563.19)