

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1769 Session of
2024

INTRODUCED BY SMITH-WADE-EL, FIEDLER, HARRIS, KRAJEWSKI, WAXMAN,
HILL-EVANS, KENYATTA, BURGOS, SANCHEZ, MADDEN, KHAN,
HOHENSTEIN, N. NELSON, POWELL, SCOTT, SIEGEL, CEPEDA-FREYTIZ,
BOROWSKI, STURLA, DALEY, D. WILLIAMS, STEELE, GREEN,
A. BROWN, ABNEY, CEPHAS, KAZEEM, OTTEN, BOYD, SALISBURY,
ROZZI, MAYES, KINKEAD, BULLOCK, GIRAL AND WARREN,
MARCH 25, 2024

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 25, 2024

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in dockets, indices and
3 other records, providing for limited access to eviction
4 information.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Chapter 43 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER C

10 LIMITED ACCESS TO EVICTION INFORMATION

11 Sec.

12 4331. Definitions.

13 4332. Eviction case limited access.

14 4333. Prohibition on disclosure of information in limited
15 access eviction file.

16 4334. Procedures.

1 § 4331. Definitions.

2 The following words and phrases when used in this subchapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Disseminate." The oral or written transmission or
6 disclosure of a court file to individuals or agencies other than
7 the court that retains the information.

8 "Eviction case." An action brought under Article V of the
9 act of April 6, 1951 (P.L.69, No.20), known as The Landlord and
10 Tenant Act of 1951.

11 "Eviction information." Information collected by the court
12 arising from the initiation of an eviction case consisting of
13 identifiable descriptions and dates of parties involved in the
14 eviction case, documents filed in the eviction case and
15 information or record of activity associated with the eviction
16 case.

17 "Limited access eviction file." Eviction information barred
18 from dissemination.

19 § 4332. Eviction case limited access.

20 (a) General rule.--Except as provided under subsection (b),
21 a court or the Administrative Office may not disseminate to an
22 individual or post on an Internet website a limited access
23 eviction file unless a final disposition of the case in favor of
24 the plaintiff is present and the case is less than seven years
25 old.

26 (b) Exception.--A court may disseminate a limited access
27 eviction file in the following circumstances to:

28 (1) a party to the eviction case, including a party's
29 attorney;

30 (2) an occupant of the premises who provides the clerk

1 of court with the names of one of the parties or the case
2 number and presents documentation to support a claim of
3 occupancy;

4 (3) a person that, upon a showing of good cause, obtains
5 a court order to access a limited access eviction file;

6 (4) an attorney, law firm or legal organization seeking
7 to review a court file for purposes of evaluating possible
8 legal advice or considering providing legal representation to
9 a party to the eviction case or an occupant of the premises
10 at issue in the eviction case, but in no case for an
11 alternative commercial or business purpose under this
12 paragraph;

13 (5) a nonprofit entity or educational institution
14 seeking court files exclusively for research purposes that
15 are in no way connected to commercial activities. In addition
16 to the prohibitions under section 4333 (relating to
17 prohibition on disclosure of information in limited access
18 eviction file), court files requested for research purposes
19 under this paragraph shall not be furnished by the nonprofit
20 entity or educational institution to any outside
21 organizations and the nonprofit entity or educational
22 institution may not publish any individual tenant names in
23 public reports or other communications; or

24 (6) other parties or entities if the parties to the
25 eviction case agree that the limited access eviction file may
26 be disseminated.

27 (c) Limited access eviction file.--Within 180 days of the
28 effective date of this subsection, and on a monthly basis
29 thereafter, courts shall automatically place under limited
30 access all eviction information:

1 (1) When seven or more years have elapsed since the
2 filing date of the eviction case.

3 (2) If a court vacates a judgment or marks a judgment
4 satisfied.

5 (3) If a court opens or sets aside a default judgment
6 and enters a disposition that is subject to limited access
7 under subsection (a).

8 (d) Satisfaction of judgment.--If a tenant pays a money
9 judgment in full or leaves the property after a judgment only
10 for possession has been entered but on or before the ordered or
11 agreed-upon move-out date, or both pays a money judgment in full
12 and leaves the property on or before the ordered or agreed-upon
13 move-out date if a money judgment and a judgment for possession
14 are entered, the landlord shall, within 30 days, either notify
15 the court to mark the judgment satisfied or provide the tenant
16 with all documentation required by the court to mark the
17 judgment satisfied.

18 (e) Disclosure.--An individual may not be required or asked
19 to disclose information about a limited access eviction file. An
20 individual required or asked to provide information in violation
21 of this subsection may respond as if the limited access eviction
22 file does not exist. This subsection shall not apply if Federal
23 law, including rules and regulations, requires the consideration
24 of information contained in a limited access eviction file.

25 (f) Applicability.--Except as provided under subsection (c),
26 this section applies to eviction cases filed on or after the
27 effective date of this subsection.

28 § 4333. Prohibition on disclosure of information in limited
29 access eviction file.

30 (a) General rule.--A person may not disseminate any

1 information contained in a limited access eviction file. This
2 subsection does not apply to a defendant in an eviction case.

3 (b) Furnishing information.--A person that regularly and in
4 the ordinary course of business furnishes information to a
5 consumer reporting agency, including a tenant screening service,
6 and has furnished information that the person knows or
7 reasonably should know, is contained in a limited access
8 eviction file, shall promptly notify the consumer reporting
9 agency of that determination and shall cease furnishing
10 information contained in the limited access eviction file.

11 (c) Disclosure prohibited.--A consumer reporting agency,
12 including a tenant screening service, shall not disclose the
13 existence of a limited access eviction file in a report or
14 communication or consider the limited access eviction file as a
15 factor to determine any score or recommendation to be included
16 in any consumer report, including a tenant screening report.

17 (d) Violation.--A violation of subsection (b) or (c)
18 constitutes an unlawful practice under the act of December 17,
19 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and
20 Consumer Protection Law.

21 (e) Private cause of action.--A tenant or occupant may bring
22 a private cause of action seeking compliance with this section.

23 (f) Recovery.--If a person violates this section, the tenant
24 or occupant has the right to recover an amount equal to and not
25 more than two months' rent or twice the damages sustained,
26 whichever is greater, and reasonable attorney fees.

27 (g) Construction.--Nothing in this section shall prohibit
28 the dissemination of information regarding a money judgment for
29 the sole purpose of collection.

30 (h) Applicability.--This section applies to an eviction case

1 filed on or after the effective date of this subsection.

2 § 4334. Procedures.

3 Each court shall issue monthly, and provide to the

4 Administrative Office, a list of all court files to which the

5 court has limited access within the previous 31 days in

6 accordance with section 4332(c) (relating to eviction case

7 limited access). The Administrative Office shall quarterly

8 transmit to an entity that regularly collects and disseminates

9 court records, including data brokerage, consumer reporting or

10 tenant screening agencies, a list of all limited access eviction

11 files to which a court has limited access within the previous

12 quarter in accordance with section 4332(c).

13 Section 2. This act shall take effect in 180 days.