

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 1002 Session of  
2022

---

INTRODUCED BY SAVAL, COLLETT, STREET, FONTANA, CAPPELLETTI,  
KANE, KEARNEY, SCHWANK, COSTA, SANTARSIERO, L. WILLIAMS AND  
MUTH, JANUARY 14, 2022

---

REFERRED TO URBAN AFFAIRS AND HOUSING, JANUARY 14, 2022

---

AN ACT

1 Providing for mandatory sealing and for prohibition on  
2 dissemination of information in sealed court file.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Fair Records  
7 for Renters Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Consumer reporting agency." Any person who, for monetary  
13 fees, dues or on a cooperative basis, regularly engages in whole  
14 or in part in the practice of assembling or evaluating consumer  
15 credit information or other information on consumers for the  
16 purpose of furnishing consumer reports to third parties.

17 "Court." A court of common pleas, magisterial district court

1 or municipal court in the jurisdiction where an eviction case is  
2 filed.

3 "Court file." The court file created when an eviction case  
4 is filed with the court, including any documents filed in the  
5 eviction case and any information or record of activity  
6 associated with the eviction case.

7 "Disseminate" or "dissemination." To publish, produce,  
8 distribute, sell, lease, exhibit, broadcast, display, transmit  
9 or otherwise share information in any format which makes the  
10 information accessible to others.

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

14 "Eviction judgment." A judgment for money or recovery of  
15 possession of real property in favor of the plaintiff and  
16 against the defendant in an eviction case.

17 "Seal" or "sealing." Barring access to a court file to  
18 anyone other than a person listed under section 3.

19 Section 3. Mandatory sealing.

20 (a) General rule.--Upon the filing of an eviction case or a  
21 foreclosure-related complaint in ejectment, the clerk of the  
22 court shall immediately seal the court file and inform all  
23 parties about mandatory sealing.

24 (b) Unsealing court file.--Except as provided under this  
25 subsection and subsection (c), the clerk of the court shall  
26 unseal a court file no sooner than 30 days after the court  
27 enters an eviction judgment. The court file shall remain under  
28 seal in the following cases:

29 (1) the parties to the eviction agree that the court  
30 file should remain sealed;

1 (2) the case is withdrawn;

2 (3) the judgment in the case has been entered for the  
3 defendant;

4 (4) the parties enter into a judgment-by-agreement and  
5 the landlord has not filed a notice of breach; or

6 (5) the eviction judgment in the case is vacated or  
7 satisfied.

8 (c) Sealing court file.--

9 (1) All court files that are unsealed shall be sealed by  
10 the clerk of the court in the following situations:

11 (i) No later than three years after the initial  
12 filing.

13 (ii) Upon motion and a showing to the court that an  
14 exception under subsection (b) applies.

15 (2) This subsection shall apply to an eviction case  
16 filed before, on or after the effective date of this section.

17 (d) Satisfaction of judgment.--If a tenant pays a money  
18 judgment in full or leaves the property after a judgment for  
19 possession has been entered, but prior to the ordered or agreed-  
20 upon move-out date, or both satisfies the money judgment in full  
21 and leaves the property in cases where a money judgment and  
22 judgment for possession are entered, upon receiving notice from  
23 the tenant along with the forms for the landlord to sign, the  
24 landlord shall, within 30 days, either notify the court or  
25 provide the tenant with all signed documentation required by the  
26 court and the judgment shall be marked satisfied.

27 (e) Access to sealed court file.--The clerk of the court may  
28 not provide access to or disseminate a sealed court file to  
29 anyone other than the following persons:

30 (1) A party to the eviction case, including a party's

1 attorney, paralegal or legal services organization.

2 (2) A legal services organization or law clinic that  
3 seeks to represent a client, advise a client or consider  
4 representing a client.

5 (3) An occupant of the premises who provides the clerk  
6 of the court with the names of one of the parties or the case  
7 number and shows documentation of residency.

8 (4) A person who, upon a showing of good cause, has  
9 obtained a court order to access a sealed court file.

10 (5) A nonprofit entity or educational institution  
11 seeking court files exclusively for research purposes that is  
12 in no way connected to commercial or business activities. In  
13 addition to the prohibitions under section 4, court files  
14 requested for research purposes may not be furnished by the  
15 nonprofit entity or educational institution to any outside  
16 organizations, and the nonprofit entity or educational  
17 institution may not publish any individual tenant names in  
18 public reports or other communications.

19 (f) Applicability.--Except as provided under subsection (c),  
20 this section applies to eviction actions filed on or after the  
21 effective date of this subsection.

22 Section 4. Prohibition on dissemination of information in  
23 sealed court file.

24 (a) General rule.--No person, landlord or other entity shall  
25 disseminate information contained in a sealed court file if the  
26 person knows or has reason to believe that the information is  
27 derived from a sealed court file. This subsection does not apply  
28 to the tenant or occupant whose court file was sealed.

29 (b) Furnishing information in sealed court file.--A person  
30 who regularly and in the ordinary course of business furnishes

1 information to a consumer reporting agency, including a tenant  
2 screening service, and has furnished information that the person  
3 knows, or reasonably should know, is contained in a sealed court  
4 file shall promptly notify the consumer reporting agency of that  
5 determination and shall cease furnishing information contained  
6 in the sealed court file.

7 (c) Disclosure prohibited.--A consumer reporting agency,  
8 including a tenant screening service, may not disclose the  
9 existence of a sealed eviction case in a report pertaining to  
10 the person for whom dissemination has been barred or use the  
11 eviction case as a factor to determine any score or  
12 recommendation to be included in a tenant screening report  
13 pertaining to the person for whom dissemination has been barred.

14 (d) Violation.--A violation of subsection (b) or (c)  
15 constitutes an unlawful practice under the act of December 17,  
16 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and  
17 Consumer Protection Law.

18 (e) Private cause of action.--A tenant or occupant may bring  
19 a private cause of action seeking compliance with this section  
20 against a person, landlord or consumer reporting agency,  
21 including a tenant screening service or any other entity  
22 involved in the decision to rent a property.

23 (f) Recovery.--

24 (1) In addition to seeking compliance with this section,  
25 if a person or consumer reporting agency, including a tenant  
26 screening service, violates this section, the tenant or  
27 occupant may seek recovery of actual damages sustained by the  
28 tenant or occupant as a result of the violation and, in the  
29 case of a successful action to enforce liability under this  
30 section, reasonable attorney fees and costs as the court may

1       deem appropriate.

2           (2) If a court finds that a person or consumer reporting  
3 agency is willfully using or has willfully used a document  
4 sealed under this act, the tenant or occupant may recover an  
5 amount equal to twice the actual damages sustained, punitive  
6 damages in such an amount as the court may deem appropriate  
7 but not to exceed \$2,000 per violation, and, in the case of a  
8 successful action to enforce liability under this section,  
9 reasonable attorney fees and costs.

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

13       (h) Applicability.--This section shall apply to an eviction  
14 case filed before, on or after the effective date of this  
15 section.

16 Section 5. Effective date.

17 This act shall take effect immediately.