

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2382 Session of  
2020

INTRODUCED BY FIEDLER, SOLOMON, RABB, DAVIDSON, A. DAVIS, HILL-  
EVANS, KINSEY, OTTEN, INNAMORATO, DAWKINS, YOUNGBLOOD,  
CALTAGIRONE, McCLINTON, ISAACSON, MADDEN, ROEBUCK, LEE AND  
WILLIAMS, APRIL 3, 2020

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 2020

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in dockets, indices and other records,  
3 providing for expungement of eviction information.

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

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

8 SUBCHAPTER C

9 EXPUNGEMENT OF EVICTION INFORMATION

10 Sec.

11 4331. Definitions.

12 4332. Mandatory sealing and expungement.

13 4333. Prohibition on dissemination of information in sealed  
14 court file.

15 § 4331. Definitions.

16 The following words and phrases when used in this subchapter  
17 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Court." The court of common pleas or magisterial district  
3 court in the jurisdiction in which an eviction case is filed.

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

8 "Dissemination" or "disseminate." To publish, produce, print  
9 manufacture, copy, distribute, sell, lease, exhibit, broadcast,  
10 display, transmit or otherwise share information in any format  
11 which makes the information accessible to others.

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

15 "Expungement." The removal of evidence of a court file's  
16 existence from publicly accessible records.

17 "For-cause eviction." An eviction case in which the court  
18 finds that a tenant or occupant materially breached a lease.

19 "Foreclosure-related eviction." An eviction case brought  
20 against a tenant or occupant due to the foreclosure of the real  
21 property.

22 "Not-for-cause eviction." An eviction case in which the  
23 court does not find that a tenant or an occupant materially  
24 breached a lease.

25 "Seal" or "sealing." Barring access to a court file to  
26 anyone other than a person listed under section 4332(e)  
27 (relating to mandatory sealing and expungement).

28 § 4332. Mandatory sealing and expungement.

29 (a) General rule.--Upon the filing of an eviction case, the  
30 clerk of the court shall do all of the following:

1           (1) Immediately seal the court file.

2           (2) No less than seven days after issuance of a summons,  
3 mail notice of the filing of the eviction case in a sealed  
4 envelope by first class mail. The mailing shall be addressed  
5 to the named defendant and to all other residents of the  
6 premises and shall be mailed to the full address of the  
7 premises as described in the filing. The notice shall be  
8 substantially in the following form:

9           THIS NOTICE IS FOR INFORMATION ONLY. DEFENDANTS HAVE THE  
10 RIGHT TO BE SERVED WITH COURT PAPERS BEFORE GOING TO  
11 COURT.

12           To (insert name of all named defendants) and All Other  
13 Residents:

14           (Insert name of all plaintiffs) has filed an eviction  
15 case against (insert name of all defendants) for  
16 possession of (insert full address of premises). The  
17 eviction case number is (insert full case number). A  
18 hearing may be on (insert hearing date and time on  
19 summons) in courtroom (insert courtroom on summons) if  
20 the defendants are served court papers. The eviction case  
21 has been sealed and is not public. It can only be viewed  
22 by:

23           (1) a party to the action, including a party's  
24 attorney;

25           (2) an occupant of the premises who provides the  
26 clerk of the court with the names of one of the  
27 parties or the case number and shows documentation of  
28 residency; or

29           (3) a person who has, upon showing of good cause,  
30 obtained a court order to access a sealed court file.

1 If the court enters a judgment for possession in  
2 favor of the plaintiff, the court file may be  
3 unsealed unless the court decides it should remain  
4 sealed. If you qualify to view the court file, you  
5 may wish to go to the court house at (insert court  
6 address). You may also wish to speak with an  
7 attorney. In (insert name of county) County you may  
8 contact (insert name and contact information of local  
9 bar association, if any; insert name and contact  
10 information of local civil legal aid providers, if  
11 any; insert name and contact information of any local  
12 legal clinics, if any; and any other local attorney  
13 referral resources) to seek the help of an attorney.

14 (b) Unsealing court file.--Except as provided under this  
15 subsection, the clerk of the court shall unseal a court file no  
16 sooner than 30 days after the court enters an eviction order.  
17 The court file shall remain under seal in the following cases:

18 (1) a foreclosure-related eviction;

19 (2) a not-for-cause eviction;

20 (3) the parties to the eviction agree that the court  
21 file should remain sealed;

22 (4) the plaintiff's case is sufficiently without basis  
23 in fact or law, which may include lack of jurisdiction over  
24 the case;

25 (5) the case is withdrawn;

26 (6) the judgment for the case has been entered for the  
27 defendant;

28 (7) the judgment in the case is vacated or satisfied; or

29 (8) expungement is clearly in the interests of justice  
30 and those interests are not outweighed by the public's

1 interest in knowing about the record.

2 (c) Sealing court file.--All court files that are unsealed  
3 shall be sealed by the clerk of the court in the following  
4 situations:

5 (1) No later than 5 years after the eviction case was  
6 filed.

7 (2) Upon motion and a showing to the court that one of  
8 the exceptions under subsection (b) applies. This paragraph  
9 applies to an eviction action retroactively.

10 (3) When a judgment is vacated or satisfied.

11 (d) Satisfaction of judgment.--If a tenant pays a money  
12 judgment in full or leaves the property after a judgment for  
13 possession has been entered but before the tenant is served with  
14 a writ of possession, the landlord shall notify the court within  
15 15 days and the judgment shall be marked satisfied.

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

19 (1) A party to the eviction case, including a party's  
20 attorney.

21 (2) A person who provides the clerk of the court with  
22 the names of at least one plaintiff and one defendant and the  
23 address of the premises, including the unit number, if any.

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

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

29 (5) A nonprofit entity or educational institution  
30 seeking court files exclusively for research purposes that

1 are in no way connected to commercial or business activities.  
2 In addition to the prohibitions under section 4333 (relating  
3 to prohibition on dissemination of information in sealed  
4 court file), court files requested for research purposes  
5 shall not be furnished by the nonprofit entity or educational  
6 institution to any outside organizations and the nonprofit  
7 entity or educational institution may not publish any  
8 individual tenant names in public reports or other  
9 communications.

10 (f) Eviction order against defendant.--If an eviction order  
11 is entered against a defendant, the court shall do each of the  
12 following:

13 (1) Determine whether the eviction case qualifies to  
14 remain sealed under subsection (b).

15 (2) Identify whether the eviction case is a for-cause  
16 eviction or a not-for-cause eviction.

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

20 § 4333. Prohibition on dissemination of information in sealed  
21 court file.

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

27 (b) Furnishing information in sealed court file.--A person  
28 who regularly and in the ordinary course of business furnishes  
29 information to a consumer reporting agency, including a tenant  
30 screening service, and has furnished information that the person

1 knows, or reasonably should know, is contained in a sealed court  
2 file shall promptly notify the consumer reporting agency of that  
3 determination and shall cease furnishing information contained  
4 in the sealed court file.

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

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

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

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

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

25 (h) Applicability.--This section applies to an eviction case  
26 filed on or after the effective date of this subsection.

27 Section 2. This act shall take effect in 60 days.