

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1769 Session of 2024

INTRODUCED BY SMITH-WADE-EL, FIEDLER, J.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, WARREN, FRANKEL AND O'MARA, MARCH 25, 2024

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 30, 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 OR ANY PORTION OF A COURT FILE to <--  
7 individuals or agencies other than the court that retains the  
8 information.

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

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

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

20 § 4332. Eviction case limited access.

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

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

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

1 (2) an occupant of the premises who provides the clerk <--  
2 of court APPROPRIATE COUNTY OFFICE with the names of one of <--  
3 the parties or the case number and presents documentation to  
4 support a claim of occupancy;

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

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

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

25 (6) other parties or entities if the parties to the  
26 eviction case agree IN WRITING TO THE SATISFACTION OF THE <--  
27 COURT that the limited access eviction file may be  
28 disseminated.

29 (c) Limited access eviction file. Within 180 days of the <--  
30 effective date of this subsection, and on a monthly basis

1 ~~thereafter, courts shall automatically place under limited~~  
2 ~~access all eviction information.~~

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

5 ~~(2) If a court vacates a judgment or marks a judgment~~  
6 ~~satisfied.~~

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

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

20 ~~(C) LIMITED ACCESS EVICTION FILE.--SUBJECT TO SECTION 4334 <--~~  
21 ~~(RELATING TO PROCEDURES), EVICTION CASE INFORMATION IN ALL CASES~~  
22 ~~SHALL BE PLACED UNDER LIMITED ACCESS AFTER SEVEN YEARS HAVE~~  
23 ~~ELAPSED SINCE THE FILING DATE OF THE EVICTION CASE.~~

24 ~~(e) (D) Disclosure.--An individual may not be required or <--~~  
25 ~~asked to disclose information about a limited access eviction~~  
26 ~~file. An individual required or asked to provide information in~~  
27 ~~violation of this subsection may respond as if the limited~~  
28 ~~access eviction file does not exist. This subsection shall not~~  
29 ~~apply if Federal law, including rules and regulations, requires~~  
30 ~~the consideration of information contained in a limited access~~

1 eviction file.

2 ~~(f) (E) Applicability.--Except as provided under subsection~~ <--  
3 ~~(c), this section applies to eviction cases filed on or after~~  
4 ~~the effective date of this subsection.~~

5 § 4333. Prohibition on disclosure of information in limited  
6 access eviction file.

7 (a) General rule.--A person may not disseminate any  
8 information contained in a limited access eviction file. This  
9 subsection does not apply to a defendant in an eviction case.

10 (b) Furnishing information.--A person that regularly and in  
11 the ordinary course of business furnishes information to a  
12 consumer reporting agency, including a tenant screening service,  
13 and has furnished information that the person knows or  
14 reasonably should know, is contained in a limited access  
15 eviction file, shall promptly notify the consumer reporting  
16 agency of that determination and shall cease furnishing  
17 information contained in the limited access eviction file.

18 (c) Disclosure prohibited.--A consumer reporting agency,  
19 including a tenant screening service, shall not disclose the  
20 existence of a limited access eviction file in a report or  
21 communication or consider the limited access eviction file as a  
22 factor to determine any score or recommendation to be included  
23 in any consumer report, including a tenant screening report.

24 ~~(d) Violation. A violation of subsection (b) or (c)~~ <--  
25 ~~constitutes an unlawful practice under the act of December 17,~~  
26 ~~1968 (P.L.1224, No.387), known as the Unfair Trade Practices and~~  
27 ~~Consumer Protection Law.~~

28 ~~(e) Private cause of action. A tenant or occupant may bring~~  
29 ~~a private cause of action seeking compliance with this section.~~

30 ~~(f) Recovery. If a person violates this section, the tenant~~

1 ~~or occupant has the right to recover an amount equal to and not~~  
2 ~~more than two months' rent or twice the damages sustained,~~  
3 ~~whichever is greater, and reasonable attorney fees.~~

4 (D) PRIVATE CAUSE OF ACTION.--A TENANT OR RESIDENT MAY BRING <--  
5 A PRIVATE CAUSE OF ACTION SEEKING COMPLIANCE WITH THIS SECTION,  
6 IN WHICH THE TENANT OR RESIDENT HAS THE RIGHT TO RECOVER AN  
7 AMOUNT EQUAL TO AND NOT MORE THAN TWO MONTHS' RENT OR \$5,000,  
8 WHICHEVER IS GREATER, AND REASONABLE ATTORNEY FEES.

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

12 ~~(h)~~ (F) Applicability.--This section applies to an eviction <--  
13 case filed on or after the effective date of this subsection.

14 (G) WAIVER.--THE RIGHTS AND DUTIES ENUMERATED IN THIS <--  
15 SECTION MAY NOT BE WAIVED BY ANY PROVISIONS OF A WRITTEN OR ORAL  
16 AGREEMENT. ANY AGREEMENT ATTEMPTING TO LIMIT RIGHTS UNDER THIS  
17 SECTION SHALL BE VOID AND UNENFORCEABLE IN THE COURTS OF THIS  
18 COMMONWEALTH.

19 § 4334. Procedures.

20 ~~Each court shall issue monthly, and provide to the <--~~  
21 ~~Administrative Office, a list of all court files to which the~~  
22 ~~court has limited access within the previous 31 days in~~  
23 ~~accordance with section 4332(c) (relating to eviction case~~  
24 ~~limited access). The Administrative Office shall quarterly~~  
25 ~~transmit to an entity that regularly collects and disseminates~~  
26 ~~court records, including data brokerage, consumer reporting or~~  
27 ~~tenant screening agencies, a list of all limited access eviction~~  
28 ~~files to which a court has limited access within the previous~~  
29 ~~quarter in accordance with section 4332(c).~~

30 (A) CASE IDENTIFICATION.--ON A MONTHLY BASIS, THE <--

1 MAGISTERIAL DISTRICT COURT AND PROTHONOTARY SHALL IDENTIFY ALL  
2 EVICTION CASE COURT FILES ELIGIBLE FOR LIMITED ACCESS IN  
3 ACCORDANCE WITH SECTION 4332(C) (RELATING TO EVICTION CASE  
4 LIMITED ACCESS). WITHIN 20 DAYS, EACH COURT OF COMMON PLEAS  
5 SHALL ISSUE AN ORDER FOR LIMITED ACCESS TO ANY EVICTION CASE  
6 FILE IN ITS JUDICIAL DISTRICT FOR WHICH LIMITED ACCESS SHALL BE  
7 GIVEN UNDER SECTION 4332(C).

8 (B) TRANSMISSION.--THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA  
9 COURTS SHALL QUARTERLY TRANSMIT TO AN ENTITY THAT REGULARLY  
10 COLLECTS AND DISSEMINATES COURT RECORDS A LIST OF ANY EVICTION  
11 CASE FILE FOR WHICH LIMITED ACCESS HAS BEEN GIVEN AND TO WHICH  
12 THE ADMINISTRATIVE OFFICE HAS ACCESS. THIS SUBSECTION SHALL NOT  
13 BE INTERPRETED TO REQUIRE THE ADMINISTRATIVE OFFICE OF  
14 PENNSYLVANIA COURTS TO PROVIDE OR UPDATE EVICTION CASE FILE  
15 INFORMATION FOR CASES FOR WHICH AN APPEAL HAS BEEN FILED WITH  
16 THE COURT OF COMMON PLEAS.

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