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H.724

Introduced by Representative LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Court procedure; ejection; sealing eviction records

Statement of purpose of bill as introduced: This bill proposes to temporarily seal all existing eviction records; to automatically seal any new eviction record; to provide for temporary unsealing of eviction records where the court issues final judgment in favor of a landlord for nonpayment of rent or breach of rental agreement; and to prohibit screening of applicants for housing, shelter, credit, or employment based on any eviction-related history of the applicant not found in an unsealed eviction record.

An act relating to sealing eviction records

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 12 V.S.A. chapter 169, subchapter 4 is added to read:

Subchapter 4. Sealing of Eviction Records

§ 4871. DEFINITIONS

As used in this subchapter:

1 (1) “Eviction record” means the record pertaining to an eviction case
2 that is in the possession, custody, or control of a court or was in the possession
3 of a court for purposes of a court decision.

4 (2) “Record” means any information made or received pursuant to law
5 or in connection with the transaction of any official business by a court,
6 including all evidence received by the court in a case.

7 (3) “Seal” means to physically and electronically separate an eviction
8 record in a manner that ensures confidentiality of the record and limits access
9 only to those persons who are authorized by law or court order to view the
10 record.

11 (4) “Termination notice” means any notice given under 9 V.S.A. § 4467.

12 (5) “Unseal” means to restore an eviction record to the level of public
13 access a public court record enjoys by removing any physical and electronic
14 separation imposed on the eviction record during sealing.

15 § 4872. AUTOMATIC SEALING OF EVICTION RECORDS

16 Upon a landlord’s filing of a complaint to initiate an eviction case pursuant
17 to this chapter, the court of jurisdiction shall seal the eviction record. The
18 eviction record shall remain sealed except pursuant to section 4873 of this title.

1 § 4873. TEMPORARY UNSEALING OF FOR-CAUSE EVICTION

2 RECORDS

3 (a)(1) If the court of jurisdiction in an eviction case issues a final judgment
4 in favor of the landlord where a finding has been made of nonpayment of rent
5 pursuant to 9 V.S.A. § 4467(a) or breach of rental agreement pursuant to
6 9 V.S.A. § 4467(b), the court shall unseal the eviction record for a temporary
7 period not to exceed three years.

8 (2) Notwithstanding subdivision (1) of this subsection, the parties to an
9 eviction case may stipulate that the eviction record remain sealed, and the court
10 shall grant the stipulation.

11 (b)(1) The court of jurisdiction shall seal an eviction record unsealed
12 pursuant to subsection (a) of this section immediately following expiration of
13 the temporary period. The temporary period extends three years following the
14 date of judgment unless the parties agree to, or the defendant shows good
15 cause for, a shorter period of time, in which case the court shall designate by
16 court order a shorter temporary period not to exceed any period agreed to by
17 the parties, giving due consideration to the reasons for shortening advanced by
18 the parties.

19 (2) A showing that the defendant meets any of the following conditions
20 is deemed good cause for purposes of subdivision (1) of this subsection:

21 (A) the defendant has been a victim of domestic violence; or

1 (B) the defendant is a person with a disability as that term is defined
2 in 9 V.S.A. § 4501.

3 § 4874. EFFECT OF SEALING; PROHIBITIONS

4 (a) The eviction case underlying a sealed eviction record is deemed never
5 to have occurred.

6 (b) A person shall not:

7 (1) include any sealed eviction record in a tenant screening report; or

8 (2) inquire about an applicant's eviction-related history, including the
9 receipt of any termination notice, as part of any application for housing,
10 shelter, credit, or employment, except as to whether, in the three years
11 preceding the date of application, an applicant has been subject to a final
12 judgment in favor of a landlord for nonpayment of rent pursuant to 9 V.S.A.
13 § 4467(a) or breach of rental agreement pursuant to 9 V.S.A. § 4467(b).

14 (c) Any tenant who suffers injury as a result of a violation of subsection (b)
15 of this section may bring an action for injunctive relief, damages, costs, and
16 reasonable attorney's fees.

17 § 4875. ACCESS TO SEALED RECORDS; PARTIES TO ACTION

18 The court of jurisdiction in an eviction case shall make the sealed eviction
19 record available to each of the following persons for purposes of litigating,
20 adjudicating, joining, appealing, or otherwise facilitating the eviction case:

21 (1) each party to the eviction case;

- 1 (2) the judge and court staff of jurisdiction;
2 (3) each occupant of the leased property named in the complaint;
3 (4) each attorney representing a party to the eviction case;
4 (5) each attorney considering undertaking representation of a party to
5 the eviction case, provided the attorney certifies to the court's satisfaction that:
6 (A) the party has requested the attorney's representation and has
7 authorized the attorney's access to the eviction record;
8 (B) the eviction record will be used only for legal assistance and not
9 for commercial purposes; and
10 (C) the attorney is authorized to practice in the State;
11 (6) Vermont Legal Aid; and
12 (7) Legal Services Vermont.

13 § 4876. ACCESS TO SEALED RECORDS; OTHERS

- 14 (a) The court of jurisdiction shall make a sealed eviction record available
15 for any authorized purpose to any person with a valid court order authorizing
16 access to the eviction record.
17 (b) Upon motion and subject to a balancing of interests for and against
18 disclosure, the court of jurisdiction shall make a sealed eviction record
19 available to a requesting party for scholarly, educational, journalistic, or
20 governmental purposes. Records made available under this subsection (b)
21 shall not include the identifying information of any party unless the court of

1 jurisdiction determines that release of the identifying information is
2 appropriate and necessary to fulfill the purpose of the request.

3 Sec. 2. SEALING OF EXISTING EVICTION RECORDS

4 (a) A court shall seal any eviction record in its possession, custody, or
5 control on June 30, 2024.

6 (b) The court of jurisdiction for any eviction record sealed pursuant to
7 subsection (a) of this section shall review the record to determine whether it
8 should be made available for public inspection and, if so, for what duration.

9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect on July 1, 2024.