

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1326 Session of
2022

INTRODUCED BY KANE, COSTA, BREWSTER, CAPPELLETTI, KEARNEY, MUTH
AND DILLON, SEPTEMBER 13, 2022

REFERRED TO JUDICIARY, SEPTEMBER 13, 2022

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 expungement of eviction
4 information, including eviction record sealing.

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 EXPUNGEMENT OF EVICTION INFORMATION

11 Sec.

12 4331. Definitions.

13 4332. Mandatory sealing and expungement.

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

16 § 4331. Definitions.

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

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

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

7 "Dissemination" or "disseminate." To publish, produce, print
8 manufacture, copy, distribute, sell, lease, exhibit, broadcast,
9 display, transmit or otherwise share information in any format
10 which makes the 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 "Expungement." The removal of evidence of a court file's
15 existence from publicly accessible records.

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

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

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

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

27 § 4332. Mandatory sealing and expungement.

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

30 (1) Immediately seal the court file.

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

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

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

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

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

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

28 (3) a person who has, upon showing of good
29 cause, obtained a court order to access a sealed
30 court file. If the court enters a judgment for

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

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

19 (1) a foreclosure-related eviction;

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

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

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

26 (5) the case is withdrawn;

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

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

30 (8) expungement is clearly in the interests of justice

1 and those interests are not outweighed by the public's
2 interest in knowing about the record.

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

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

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

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

12 (d) Satisfaction of judgment.--If a tenant pays a money
13 judgment in full or leaves the property after a judgment for
14 possession has been entered but before the tenant is served with
15 a writ of possession, the landlord shall notify the court within
16 15 days and the judgment shall be marked satisfied.

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

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

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

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

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

30 (5) A nonprofit entity or educational institution

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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