STATE OF NEW YORK

9911

IN SENATE

September 13, 2024

Introduced by Sens. HOYLMAN-SIGAL, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the real property actions and proceedings law, in relation to the sealing of eviction proceeding records; and to amend the judiciary law, in relation to directing the chief administrator of the courts to develop certain forms

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real property actions and proceedings law is amended by adding a new section 748 to read as follows:

§ 748. Sealing of eviction proceeding records. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Consumer report" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the person's eligibility for rental housing or other purposes authorized under section three hundred eighty-b of the general business law.

(b) "Consumer reporting agency" means any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports or investigative consumer reports to third parties.

(c) "Eviction proceeding" means any action or special proceeding commenced under this article to remove a tenant or lawful occupant of a dwelling or housing accommodation.

(d) "Tenant" means an occupant of a rental dwelling unit, an owner of shares of a cooperative corporation who occupies the dwelling unit to which such shares are allocated, or the owner and occupant of a dwelling unit owned as a condominium.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD16109-03-4

(e) "Tenant screening bureau" means any person who, for monetary fees or dues, regularly engages in the practice of assembling or evaluating information about individuals in the form of a tenant screening report for the purposes of screening an applicant for a rental dwelling unit or other housing accommodation.

(f) "Tenant screening report" means any written, oral, or other communication of information by a tenant screening bureau that describes proceedings to recover real property in which an individual is named for the purposes of screening that individual as an applicant for a rental dwelling unit or other housing accommodation.

2. Court records of an eviction proceeding shall be sealed one year after a final judgment has been entered in the eviction proceeding and all rights of appeal have been exhausted, unless the eviction proceeding resulted in a dismissal or final judgment in favor of a tenant, as defined in subdivision one of this section, in which case the court record of such an eviction proceeding shall be immediately sealed after a final judgment has been entered and all rights of appeal have been exhausted.

3. Upon motion and for good cause shown, or as otherwise authorized by this section, court records sealed under this section may, at the discretion of the court and upon a balancing of the interests of the litigants and the public in nondisclosure of the information with the interests of the requesting party, be made available for public safety, scholarly, educational, journalistic, or governmental purposes only; provided, however, that the personal identifying information of the parties involved in the action shall remain sealed unless the court determines that release of such information is appropriate under this subdivision and absolutely necessary to fulfill the purpose of the request. Nothing in this subdivision shall permit the release of personal identifying information for commercial purposes. Nothing in this section shall prohibit a person or their representative from petitioning the court to obtain access to sealed eviction records in which the person is a party.

4. Nothing in this section shall prohibit the dissemination of information contained in a record sealed pursuant to this section as the court deems necessary or appropriate:

(a) for the collection of a money judgment;

(b) to pursue a criminal investigation;

(c) to pursue a criminal prosecution; or

(d) where information in the sealed record was entered into evidence in a criminal prosecution that resulted in a criminal charge.

5. A consumer reporting agency shall not disclose the existence of, or information regarding, a record of an eviction proceeding sealed under this section or use information contained in a sealed eviction proceeding as a factor to determine any score or recommendation to be included in a consumer report. A consumer reporting agency may include in a consumer report information found in publicly available court records; provided, however, that the consumer report shall include a person's full name and the outcome of an eviction proceeding if such information is contained in the publicly available court record. Information contained in a record of an eviction proceeding sealed under this section shall be removed from the consumer report or from the calculation of any score or recommendation to be included in a consumer report within thirty days of the sealing of the record of the eviction proceeding from which it is derived.

6. A tenant screening bureau shall not disclose the existence of, or information regarding, a record of an eviction proceeding sealed under this section or provide information contained in a sealed eviction proceeding to be included in a tenant screening report. Information contained in a record of an eviction proceeding sealed under this section shall be removed from the tenant screening report or from the calculation of any score or recommendation to be included in the tenant screening report within thirty days of the sealing of the record of the eviction proceeding from which it is derived.

7. The attorney general may initiate in a court of competent jurisdiction an action that may be appropriate or necessary for correction of any violation of this section, including mandating compliance with the provisions of this section, securing injunctive, declaratory, or such other relief as may be appropriate, ordering payment of civil penalties, and recovering damages.

§ 2. Subdivision 2 of section 212 of the judiciary law is amended by adding two new paragraphs (ff) and (gg) to read as follows:

(ff) Develop a standardized form and process for individuals to notify the office of court administration of court records of an eviction proceeding subject to sealing under section seven hundred forty-eight of the real property actions and proceedings law, but for which the office has not sealed or taken the requisite action for related records.

(gg) Develop a standardized form and process for individuals authorized to request sealed court records of an eviction proceeding pursuant to section seven hundred forty-eight of the real property actions and proceedings law.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.