

# 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:

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

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

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

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

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

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

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

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

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

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

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

34 4. Nothing in this section shall prohibit the dissemination of infor-  
35 mation contained in a record sealed pursuant to this section as the  
36 court deems necessary or appropriate:

37 (a) for the collection of a money judgment;  
38 (b) to pursue a criminal investigation;  
39 (c) to pursue a criminal prosecution; or  
40 (d) where information in the sealed record was entered into evidence  
41 in a criminal prosecution that resulted in a criminal charge.

42 5. A consumer reporting agency shall not disclose the existence of, or  
43 information regarding, a record of an eviction proceeding sealed under  
44 this section or use information contained in a sealed eviction proceed-  
45 ing as a factor to determine any score or recommendation to be included  
46 in a consumer report. A consumer reporting agency may include in a  
47 consumer report information found in publicly available court records;  
48 provided, however, that the consumer report shall include a person's  
49 full name and the outcome of an eviction proceeding if such information  
50 is contained in the publicly available court record. Information  
51 contained in a record of an eviction proceeding sealed under this  
52 section shall be removed from the consumer report or from the calcu-  
53 lation of any score or recommendation to be included in a consumer  
54 report within thirty days of the sealing of the record of the eviction  
55 proceeding from which it is derived.

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

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

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

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

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

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