

2020 Second Extraordinary Session

SENATE BILL NO. 46

BY SENATOR BARROW

HOUSING. Provides relative to the sealing of eviction records. (gov sig) (Items #68 and #70)

1 AN ACT
2 To amend and reenact Code of Civil Procedure Article 4918 and to enact R.S. 13:917.1,
3 917.2, 1221.1, 1221.2, 1904.1, 1904.2, 2166.1, 2166.2, 2562.28, 2562.29, 2563.18,
4 and 2563.19, relative to eviction proceeding records; to provide for the sealing of
5 eviction records in certain circumstances; to provide for the prohibition of
6 disseminating eviction information; to provide for eviction record sealing during the
7 COVID-19 declared state of emergency; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Civil Procedure Article 4918 is hereby amended and reenacted
10 to read as follows:

11 Art. 4918. Record of the case; subsequent entries; justice of the peace courts;
12 district courts with concurrent jurisdiction; **prohibition on**
13 **dissemination of eviction information**

14 **A.** When no written pleadings are required, the justice of the peace or the
15 clerk of court shall record in a permanent book or case file the title of the case, the
16 docket number, the name and address of all parties, a brief statement of the nature
17 and amount of the claim, the issuance and service of citation, the defenses pleaded,

1 motions and other pleas made, the names of witnesses who testified, a list of the
2 documents offered at the trial, the rendition of judgment, and any appeal therefrom.

3 **B. Justice of the peace courts are prohibited from disseminating any of**
4 **the records or files maintained under Subsection A for all residential eviction**
5 **proceedings in the following:**

6 **(1) The proceedings are dismissed prior to the eviction hearing.**

7 **(2) The court renders judgment in an eviction proceeding in favor of the**
8 **lessee or occupant.**

9 **(3) The court renders judgment in an eviction proceeding in favor of the**
10 **lessor or owner for reasons other than a violation by the lessee or occupant.**

11 **(4) The court enters a consent judgment between the parties.**

12 **C. Justice of the peace courts are subject to the provisions of R.S.**
13 **13:917.2.**

14 Section 2. R.S. 13:917.1, 917.2, 1221.1, 1221.2, 1904.1, 1904.2, 2166.1, 2166.2,
15 2562.28, 2562.29, 2563.18, and 2563.19 are hereby enacted to read as follows:

16 **§917.1. Sealing of eviction records**

17 **A. The clerk of court shall seal all records of any eviction proceedings**
18 **at the time of filing to prevent access from public view. Nothing in this**
19 **Subsection shall prevent access to the records of an eviction proceeding by the**
20 **lessor or owner, the lessee or occupant, the attorney or designated**
21 **representative of the lessor, owner, lessee, or occupant, or a representative of**
22 **Loyola University New Orleans College of Law, Law Clinic for data aggregation**
23 **and research purposes.**

24 **B. If any of the following occurs, neither the clerk nor the parties shall**
25 **disseminate the records pursuant to this Section to third parties:**

26 **(1) The proceedings are dismissed prior to the eviction hearing.**

27 **(2) The court renders judgment in an eviction proceeding in favor of the**
28 **lessee or occupant.**

29 **(3) The court renders judgment in an eviction proceeding in favor of the**

1 lessor or owner for reasons other than a violation by the lessee or occupant.

2 (4) The court enters a consent judgment between the parties.

3 C.(1) If the court renders judgment in an eviction proceeding in favor
4 of the lessor or owner after a finding of a violation by the lessee or occupant, the
5 records of the eviction proceedings shall remain sealed except for a period of
6 one year commencing on the first day of the month following the signing of the
7 judgment of eviction.

8 (2) Upon the running of the one-year period as provided in Paragraph
9 (1) of this Subsection, no judgment shall be further reported to any third party
10 reporting agency not named in Subsection A of this Section.

11 §917.2. Sealing of eviction records during a declared state of emergency

12 A. In light of the COVID-19 pandemic and declared states of emergency
13 by Governor John Bel Edwards' proclamations, any filing, pleading, or
14 judgment of eviction rendered for nonpayment of rent or judgment rendered
15 in an eviction proceeding in favor of the lessor or owner for reasons other than
16 a violation by the lessee or occupant between March 16, 2020, and August 1,
17 2021, shall be immediately sealed and remain sealed.

18 B. No cause of action shall exist against any clerk or judge for the
19 sealing of such records in accordance with the provisions of this Section.

20 * * *

21 §1221.1. Sealing of eviction records

22 A. The clerk of court shall seal all records of any eviction proceedings
23 at the time of filing to prevent access from public view. Nothing in this
24 Subsection shall prevent access to the records of an eviction proceeding by the
25 lessor or owner, the lessee or occupant, the attorney or designated
26 representative of the lessor, owner, lessee, or occupant, or a representative of
27 Loyola University New Orleans College of Law, Law Clinic for data aggregation
28 and research purposes.

29 B. If any of the following occurs, neither the clerk nor the parties shall

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disseminate the records pursuant to this Section to third parties:

(1) The proceedings are dismissed prior to the eviction hearing.

(2) The court renders judgment in an eviction proceeding in favor of the lessee or occupant.

(3) The court renders judgment in an eviction proceeding in favor of the lessor or owner for reasons other than a violation by the lessee or occupant.

(4) The court enters a consent judgment between the parties.

C.(1) If the court renders judgment in an eviction proceeding in favor of the lessor or owner after a finding of a violation by the lessee or occupant, the records of the eviction proceedings shall remain sealed except for a period of one year commencing on the first day of the month following the signing of the judgment of eviction.

(2) Upon the running of the one-year period as provided in Paragraph (1) of this Subsection, no judgment shall be further reported to any third-party reporting agency not named in Subsection A of this Section.

§1221.2. Sealing of eviction records during a declared state of emergency

A. In light of the COVID-19 pandemic and declared states of emergency by Governor John Bel Edwards's proclamations, any filing, pleading, or judgment of eviction rendered for non-payment of rent or judgment rendered in an eviction proceeding in favor of the lessor or owner for reasons other than a violation by the lessee or occupant between March 16, 2020, and August 1, 2021, shall be immediately sealed and remain sealed.

B. No cause of action shall exist against any clerk or judge for the sealing of such records in accordance with the provisions of this Section.

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§1904.1. Sealing of eviction records

A. The clerk of court shall seal all records of any eviction proceedings at the time of filing to prevent access from public view. Nothing in this Subsection shall prevent access to the records of an eviction proceeding by the

1 lessor or owner, the lessee or occupant, the attorney or designated
2 representative of the lessor, owner, lessee, or occupant, or a representative of
3 Loyola University New Orleans College of Law, Law Clinic for data aggregation
4 and research purposes.

5 B. If any of the following occurs, neither the clerk nor the parties shall
6 disseminate the records pursuant to this Section to third parties:

7 (1) The proceedings are dismissed prior to the eviction hearing.

8 (2) The court renders judgment in an eviction proceeding in favor of the
9 lessee or occupant.

10 (3) The court renders judgment in an eviction proceeding in favor of the
11 lessor or owner for reasons other than a violation by the lessee or occupant.

12 (4) The court enters a consent judgment between the parties.

13 C.(1) If the court renders judgment in an eviction proceeding in favor
14 of the lessor or owner after a finding of a violation by the lessee or occupant, the
15 records of the eviction proceedings shall remain sealed except for a period of
16 one year commencing on the first day of the month following the signing of the
17 judgment of eviction.

18 (2) Upon the running of the one-year period as provided in Paragraph
19 (1) of this Subsection, no judgment shall be further reported to any third party
20 reporting agency not named in Subsection A of this Section.

21 §1904.2. Sealing of eviction records during a declared state of emergency

22 A. In light of the COVID-19 pandemic and declared states of emergency
23 by Governor John Bel Edwards's proclamations, any filing, pleading, or
24 judgment of eviction rendered for nonpayment of rent or judgment rendered
25 in an eviction proceeding in favor of the lessor or owner for reasons other than
26 a violation by the lessee or occupant between March 16, 2020, and August 1,
27 2021, shall be immediately sealed and remain sealed.

28 B. No cause of action shall exist against any clerk or judge for the
29 sealing of such records in accordance with the provisions of this Section.

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2 §2166.1. Sealing of eviction records

3 A. The clerk of court shall seal all records of any eviction proceedings
4 at the time of filing to prevent access from public view. Nothing in this
5 Subsection shall prevent access to the records of an eviction proceeding by the
6 lessor or owner, the lessee or occupant, the attorney or designated
7 representative of the lessor, owner, lessee, or occupant, or a representative of
8 Loyola University New Orleans College of Law, Law Clinic for data aggregation
9 and research purposes.

10 B. If any of the following occurs, neither the clerk nor the parties shall
11 disseminate the records pursuant to this Section to third parties:

12 (1) The proceedings are dismissed prior to the eviction hearing.

13 (2) The court renders judgment in an eviction proceeding in favor of the
14 lessee or occupant.

15 (3) The court renders judgment in an eviction proceeding in favor of the
16 lessor or owner for reasons other than a violation by the lessee or occupant.

17 (4) The court enters a consent judgment between the parties.

18 C.(1) If the court renders judgment in an eviction proceeding in favor
19 of the lessor or owner after a finding of a violation by the lessee or occupant, the
20 records of the eviction proceedings shall remain sealed except for a period of
21 one year commencing on the first day of the month following the signing of the
22 judgment of eviction.

23 (2) Upon the running of the one-year period as provided in Paragraph
24 (1) of this Subsection, no judgment shall be further reported to any third party
25 reporting agency not named in Subsection A of this Section.

26 §2166.2. Sealing of eviction records during a declared state of emergency

27 A. In light of the COVID-19 pandemic and declared states of emergency
28 by Governor John Bel Edwards's proclamations, any filing, pleading, or
29 judgment of eviction rendered for nonpayment of rent or judgment rendered

1 in an eviction proceeding in favor of the lessor or owner for reasons other than
2 a violation by the lessee or occupant between March 16, 2020, and August 1,
3 2021, shall be immediately sealed and remain sealed.

4 B. No cause of action shall exist against any clerk or judge for the
5 sealing of such records in accordance with the provisions of this Section.

6 * * *

7 §2562.28. Sealing of eviction records

8 A. The clerk of court shall seal all records of any eviction proceedings
9 at the time of filing to prevent access from public view. Nothing in this
10 Subsection shall prevent access to the records of an eviction proceeding by the
11 lessor or owner, the lessee or occupant, the attorney or designated
12 representative of the lessor, owner, lessee, or occupant, or a representative of
13 Loyola University New Orleans College of Law, Law Clinic for data aggregation
14 and research purposes.

15 B. If any of the following occurs, neither the clerk nor the parties shall
16 disseminate the records pursuant to this Section to third parties:

17 (1) The proceedings are dismissed prior to the eviction hearing.

18 (2) The court renders judgment in an eviction proceeding in favor of the
19 lessee or occupant.

20 (3) The court renders judgment in an eviction proceeding in favor of the
21 lessor or owner for reasons other than a violation by the lessee or occupant.

22 (4) The court enters a consent judgment between the parties.

23 C.(1) If the court renders judgment in an eviction proceeding in favor
24 of the lessor or owner after a finding of a violation by the lessee or occupant, the
25 records of the eviction proceedings shall remain sealed except for a period of
26 one year commencing on the first day of the month following the signing of the
27 judgment of eviction.

28 (2) Upon the running of the one-year period as provided in Paragraph
29 (1) of this Subsection, no judgment shall be further reported to any third party

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reporting agency not named in Subsection A of this Section.

§2562.29. Sealing of eviction records during a declared state of emergency

A. In light of the COVID-19 pandemic and declared states of emergency by Governor John Bel Edwards's proclamations, any filing, pleading, or judgment of eviction rendered for nonpayment of rent or judgment rendered in an eviction proceeding in favor of the lessor or owner for reasons other than a violation by the lessee or occupant between March 16, 2020, and August 1, 2021, shall be immediately sealed and remain sealed.

B. No cause of action shall exist against any clerk or judge for the sealing of such records in accordance with the provisions of this Section.

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§2563.18. Sealing of eviction records

A. The clerk of court shall seal all records of any eviction proceedings at the time of filing to prevent access from public view. Nothing in this Subsection shall prevent access to the records of an eviction proceeding by the lessor or owner, the lessee or occupant, the attorney or designated representative of the lessor, owner, lessee, or occupant, or a representative of Loyola University New Orleans College of Law, Law Clinic for data aggregation and research purposes.

B. If any of the following occurs, neither the clerk nor the parties shall disseminate the records pursuant to this Section to third parties:

- (1) The proceedings are dismissed prior to the eviction hearing.
- (2) The court renders judgment in an eviction proceeding in favor of the lessee or occupant.
- (3) The court renders judgment in an eviction proceeding in favor of the lessor or owner for reasons other than a violation by the lessee or occupant.
- (4) The court enters a consent judgment between the parties.

C.(1) If the court renders judgment in an eviction proceeding in favor of the lessor or owner after a finding of a violation by the lessee or occupant, the

1 records of the eviction proceedings shall remain sealed except for a period of
 2 one year commencing on the first day of the month following the signing of the
 3 judgment of eviction.

4 (2) Upon the running of the one-year period as provided in Paragraph
 5 (1) of this Subsection, no judgment shall be further reported to any third party
 6 reporting agency not named in Subsection A of this Section.

7 §2563.19. Sealing of eviction records during a declared state of emergency

8 A. In light of the COVID-19 pandemic and declared states of emergency
 9 by Governor John Bel Edwards's proclamations, any filing, pleading, or
 10 judgment of eviction rendered for nonpayment of rent or judgment rendered
 11 in an eviction proceeding in favor of the lessor or owner for reasons other than
 12 a violation by the lessee or occupant between March 16, 2020, and August 1,
 13 2021, shall be immediately sealed and remain sealed.

14 B. No cause of action shall exist against any clerk or judge for the
 15 sealing of such records in accordance with the provisions of this Section.

16 Section 3. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 46 Original

2020 Second Extraordinary Session

Barrow

Present law (R.S. 13:917, 1904, 2562.26) provides for the destruction of eviction records after ten years elapses from the last date of action in district and city courts other than Orleans, as well as the First and Second Parish Court for Jefferson Parish. Further provides that no cause of action shall exist for any clerk or judge for the destruction of such records.

Present law (R.S. 13:1221) provides for the destruction of useless records with consent of the majority of judges and authorization from the state archivist in the Parish of Orleans District Court.

Proposed law (R.S. 13:917.1, 1221.1, 1904.1, 2166.1, 2562.28, and 2563.18) retains present law but requires the clerk of court to seal all eviction records at the time of filing and

provides for exceptions.

Proposed law requires certain eviction records to remain sealed except for a one-year period commencing on the first day of the month following the signing of the judgment.

Proposed law (C.C.P. 4918) prohibits justice of the peace courts from disseminating eviction proceeding records subject to the declared state of emergency seal as provided by proposed law (R.S. 13:917.2).

Proposed law (R.S. 13:917.2, 1221.2, 1904.2, 2166.2, 2562.29, and 2563.19) provides that evictions ordered between March 16, 2020, and August 1, 2021, for nonpayment of rent or in favor of the landlord-petitioner for reasons other than tenant-responder violation, shall be sealed.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.C.P. 4918; adds R.S. 13:917.1, 917.2, 1221.1, 1221.2, 1904.1, 1904.2, 2166.1, 2166.2, 2562.28, 2562.29, 2563.18, and 2563.19)