

Statement of Need
H7596/S2264
Sealing and Unsealing of Eviction Records

Current Problem

Information about most cases in state court can be found on the internet through the Rhode Island Judiciary Public Portal. The Public Portal has become a default tenant screening tool for many property managers, notwithstanding the disclaimer advising users not to rely on the Public Portal to conduct background checks. Because the disclaimer has not deterred the harmful and inappropriate conduct, housing justice advocates across Rhode Island are seeking a legislative change that will protect the reputation of tenants who experience retaliatory evictions or amicably settle any disputes with their landlord.

Proposed Solution

This bill will require all residential eviction actions to be sealed when the complaint is filed. The bill will also require all residential eviction actions to be unsealed when: (1) a landlord prevails in court, (2) a tenant breaches a settlement agreement, and (3) a tenant continues to owe unpaid rent or damages to the landlord after vacating the rental unit.

Pre-Judgment Court Records Lack Reliability and Impartiality

The fact that an eviction action has been filed does not reveal any meaningful or reliable information to a property manager screening an applicant for housing. Court records acquire meaning and reliability after the presentation of witnesses and evidence at trial. Rhode Island law provides tenants with a variety of defenses to eviction, including several legitimate lawful reasons for tenants to withhold their rental payment. Some of these legal rights include deducting the cost of minor repairs to their rental unit up to \$125 (§ 34-18-30) and deducting the cost of securing essential services like heat, water, and electricity when the landlord fails to make the services available (§ 34-18-31). Further, when case that a property has a code violation, tenants of the property are protected from evictions (§ 45-24.3-21(c)(4)). Research revealed that from 2016 to 2018 there were 252 tenants in Providence whose landlords filed for eviction even though the property had an outstanding code violation. Every one of those individuals has an eviction record, but because all filings are public, each will have an eviction on their record available for all future landlords to see.

Appropriate Tools for Tenant Screening are Already Available to Landlords

Credit reporting agencies (CRAs) compile information from creditors, courts and other publicly available sources in order to generate reports on a consumer's credit history. These reports can be accessed by landlords in order to evaluate the credit risk of renting to an applicant. Under the "Fair Credit Reporting Act" those agencies are required to follow "reasonable procedures to assure maximum possible accuracy of the information", and are required to conduct "reasonable reinvestigation" and information correction if a tenant disputes a claim or receives rejection from a landlord due to inaccurate information in the report. CRAs and other tenant screening companies are a widely available and utilized resource that have built in consumer protections for tenants to dispute and correct misinformation.