

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

1 by adding the following sections:-

2 “SECTION 135A. Chapter 239 of the General Laws is hereby amended by adding the
3 following section:-

4 Section 15. (a) The following words, as used in this section, shall have the following
5 meanings unless the context clearly requires otherwise:-

6 “Consumer report”, written, oral or other communication of any information by a
7 consumer reporting agency bearing on a person’s credit worthiness, credit standing or credit
8 capacity that is used or expected to be used or collected in whole or in part for the purpose of
9 serving as a factor in establishing the person’s eligibility for rental housing or other purposes
10 authorized under section 51 of chapter 93.

11 “Consumer reporting agency”, individual, partnership, corporation, trust, estate,
12 cooperative, association, government or governmental subdivision or agency, or other entity that,
13 for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in
14 part in the practice of assembling or evaluating consumer credit information or other information
15 on consumers for the purpose of furnishing consumer reports to third parties.

16 “Court”, the trial court of the commonwealth established pursuant to section 1 of chapter
17 211B and any departments or offices established within the trial court.

18 “Court record”, paper or electronic records or data in any communicable form compiled
19 by, on file with or in the care custody or control of, the court, that concern a person and relate to
20 the nature or disposition of an eviction action or a lessor action.

21 “Eviction action”, (i) a summary process action under this chapter to recover possession
22 of residential premises; (ii) a civil action under section 19 of chapter 139 to obtain an order
23 requiring a tenant or occupant to vacate residential premises; (iii) a civil action brought pursuant
24 to section 11, 12 or 13 of chapter 186 or subsection (a) of section 4 of chapter 186A; or (iv) any
25 other civil action brought against a tenant or occupant of residential premises to obtain
26 possession of or exclusive access to the residential premises.

27 “Lessor action” any civil action brought against the owner, manager or lessor of
28 residential premises by the tenant or occupant of such premises relating to or arising out of such
29 property, rental, tenancy or occupancy for breach of warranty, breach of any material provision
30 of the rental agreement or violation of any other law.

31 “No-fault eviction” any eviction action in which the notice to quit, notice of termination
32 or complaint does not include an allegation of nonpayment of rent or of violation of any material
33 term of the tenancy by the tenant or occupant; provided, however that a “no-fault eviction” shall
34 include an action brought after termination of a tenancy for economic, business or other reasons
35 not constituting a violation of the terms of the tenancy.

36 (b) Any person having a court record of a no-fault eviction on file in a court may petition
37 the court to seal the court record at any time after the conclusion of the action, including

38 exhaustion of all rights of appeal. The petition shall be on a form furnished by the trial court of
39 the commonwealth, signed under the penalties of perjury, and filed in the same court as the
40 action sought to be sealed. If an action was active in more than 1 court during its pendency, then
41 a petition may be filed in each such court. Notice need not be given to parties to the original
42 action. The court shall comply with the petitioner's request provided that the record only pertains
43 to a no-fault eviction and the action has concluded with all rights of appeal exhausted. Such court
44 may, in its discretion, process such petitions administratively without a hearing.

45 (c) Upon motion and for good cause shown, or as otherwise authorized by this section,
46 court records sealed under this section may at the discretion of the court and upon a balancing of
47 the interests of the litigants and the public in nondisclosure of the information with the interests
48 of the requesting party, be made available for public safety, scholarly, educational, journalistic or
49 governmental purposes only, provided, however, that the personal identifying information of the
50 parties involved in the action, shall remain sealed unless the court determines that release of such
51 information is appropriate under this subsection and necessary to fulfill the purpose of the
52 request. Nothing in this subsection shall be deemed to permit the release of personal identifying
53 information for commercial purposes.

54 (d) Nothing in this section shall prohibit the dissemination of information contained in a
55 record sealed pursuant to this section as the court deems necessary or appropriate: (i) for the
56 collection of a money judgment; (ii) to pursue a criminal investigation; (iii) to pursue a criminal
57 prosecution; or (iv) where information in the sealed record was entered into evidence in a
58 criminal prosecution that resulted in a criminal charge.

59 (e) Nothing in this section shall prohibit a person or their representative from petitioning
60 the court to obtain access to sealed eviction records in which the person is a party.

61 (f) A consumer reporting agency shall not disclose the existence of, or information
62 regarding, an eviction record sealed under this section or use information contained in a sealed
63 court record as a factor to determine any score or recommendation to be included in a consumer
64 report unless the court record was available for inspection with the court not more than 30 days
65 of the report date. A consumer reporting agency may include in a consumer report, information
66 found in publicly available court records, provided, however, that the consumer report shall
67 include a person's full name, whether an eviction action was a fault eviction, a no-fault eviction
68 or a lessor action, and the outcome of any eviction action if such information is contained in the
69 publicly-available court record. Information contained in a sealed court record shall be removed
70 from the consumer report or from the calculation of any score or recommendation to be included
71 in a consumer report not more than 30 days of the sealing of the court record from which it is
72 derived. Any consumer reporting agency that violates this subsection shall be liable to the person
73 who is the subject of the consumer report in an amount equal to the sum of any actual damages
74 sustained by the consumer as a result of the failure and, the costs of the action, including
75 reasonable attorney's fees. The attorney general shall enforce the provisions of this paragraph
76 and remedies provided hereunder shall not be exclusive. Nothing in this subsection shall be
77 deemed to waive the rights or remedies of any person under any other law or regulation.

78 (g) An application used to screen applicants for housing or credit that seeks information
79 concerning prior eviction actions of the applicant shall include the following statement: "An
80 applicant for housing or credit with a sealed record on file with the court pursuant to section 15

81 of chapter 239 of the General Laws may answer ‘no record’ to an inquiry relative to that sealed
82 court record.”.

83 (h) A party who obtains a judgment in an eviction action or a lessor action, or enters into
84 an agreement regarding an eviction solely for nonpayment of rent, shall, not more than 14 days
85 after satisfaction of the judgment or agreement, file with the court in which the judgment or
86 agreement was entered a notice of satisfaction of the judgment or agreement. A party that has
87 satisfied a judgment or agreement may, upon noncompliance with this subsection by the other
88 party, seek equitable relief to correct the court record, and shall be entitled to costs and
89 reasonable attorney’s fees. Upon the filing of a notice of satisfaction of judgment or an
90 agreement, or court judgment deeming the judgment or agreement satisfied, a party may petition
91 the court to seal the court record pertaining to that action. The petition shall be on a form
92 furnished by the Trial Court of the commonwealth, signed under the penalties of perjury, and
93 filed in the same court as the action sought to be sealed. If an action was active in more than 1
94 court during its pendency, a petition may be filed in each such court. Notice need not be given to
95 parties to the original action. Such court shall comply with the petitioner’s request and seal the
96 court record if the judgment or agreement has been satisfied and the action has concluded with
97 all rights of appeal exhausted. The court may process such petitions administratively without a
98 hearing.”; and

99 SECTION XX. Section 52 of chapter 93 of the General Laws, as appearing in the 2020
100 Official Edition, is hereby amended, in subsection (a), by inserting at the end thereof the
101 following clause:- (7) eviction records sealed pursuant to section 15 of chapter 239.

102 SECTION XX. Subsection (f) of section 15 of Chapter 239 shall take effect May 1, 2023.