

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 618
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40261-MQ-31A

Short Title: Pandemic Eviction Protection. (Public)

Sponsors: Representative Alston.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE A PROCESS TO SEAL CERTAIN RECORDS AND PROCEEDINGS
3 FOR SUMMARY EJECTMENT IN RESPONSE TO THE HOUSING INSTABILITY
4 CREATED BY THE COVID-19 PANDEMIC AND TO MAKE DENIAL OF A RENTAL
5 APPLICATION BASED UPON A SEALED RECORD A DISCRIMINATORY PRACTICE
6 UNDER THE FAIR HOUSING ACT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Legislative Findings. – The General Assembly makes the following
9 findings with respect to housing and evictions resulting from the COVID-19 pandemic:

- 10 (1) The COVID-19 pandemic created immediate housing instability for thousands
11 of North Carolinians.
12 (2) A steep decline in economic activity and a correspondingly steep rise in
13 unemployment continue to make rent payments difficult.
14 (3) Housing stability is critically important to the management of community
15 spread of COVID-19.
16 (4) An eviction can make it more difficult to secure safe housing and contribute
17 to a lifetime of housing instability.
18 (5) Eviction moratoriums have prevented mass evictions statewide.
19 (6) Thousands of North Carolinians face eviction when moratoriums are lifted,
20 and those evictions threaten our recovery from the COVID-19 crisis.

21 **SECTION 2.(a)** For summary ejectment proceedings filed on or after March 10,
22 2020, the clerk of superior court in each county shall "seal" the court file for summary ejectment
23 proceedings except those actions initiated under Article 7 of Chapter 42 of the General Statutes.

24 **SECTION 2.(b)** This section is effective when it becomes law and expires 90 days
25 after the expiration or rescission of the Governor's Executive Order No. 116 (2020), Declaration
26 of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of
27 COVID-19.

28 **SECTION 3.(a)** Article 3 of Chapter 42 of the General Statutes is amended by adding
29 a new section to read:

30 "**§ 42-36.4. Automatic sealing of eviction records.**

31 (a) The clerk of superior court shall cause all records of all summary ejectment
32 proceedings to be sealed and removed from publicly accessible records as follows:

- 33 (1) After three years from the date the judgment was entered.
34 (2) A pending proceeding where no decision has been entered.
35 (3) A proceeding that has been dismissed or where judgment was entered in favor
36 of the respondent tenant.



- 1 (4) A proceeding that names a respondent that is under 18 years of age.
- 2 (b) For the purposes of this section, the term "seal" or "sealed" means the act of keeping
- 3 some or all of the court record confidential and unavailable for public inspection.
- 4 (c) Nothing in this section is intended to limit or otherwise impair the docketing or
- 5 execution of a judgment for monetary damages in connection with a summary ejectment
- 6 proceeding filed under G.S. 42-26.
- 7 (d) This section shall not apply to summary ejectment proceedings filed under Article 7
- 8 of this Chapter."

9 **SECTION 3.(b)** G.S. 41A-4 reads as rewritten:

10 **"§ 41A-4. Unlawful discriminatory housing practices.**

11 ...

- 12 (h) It is an unlawful discriminatory housing practice to deny an applicant on a rental
- 13 agreement based upon a proceeding for summary ejectment that has been sealed pursuant to
- 14 G.S. 42-46.3."

15 **SECTION 3.(c)** This section becomes effective upon the expiration or rescission of
16 the Governor's Executive Order No. 116 (2020), Declaration of a State of Emergency to
17 Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, and applies to
18 summary ejectment proceedings filed before, on, or after that date.

19 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
20 law.