

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/22/21
A Bill

SENATE BILL 476

By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING EVICTION
PROCEEDINGS; TO ALLOW THE COURT TO SEAL CERTAIN COURT
RECORDS; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING EVICTION
PROCEEDINGS; TO ALLOW THE COURT TO SEAL
CERTAIN COURT RECORDS; AND TO DECLARE AN
EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Title 18, Chapter 17, Subchapter 9, is amended to add an additional section that reads as follows:

18-17-914. Sealing of court records for eviction.

(a) As used in this section, "adversely impacted" means the tenant's failure to pay rent was caused by the coronavirus 2019 (COVID-19) pandemic.

(b) Upon a motion by a defendant regarding a matter of eviction, the court shall seal a court record relating to an action for eviction based upon nonpayment of rent if the:

(1) Complaint was filed on or after March 1, 2020;

(2) Court finds that the tenant's failure to pay rent was due to the tenant's being adversely impacted by the coronavirus 2019 (COVID-19) pandemic; and

(3) Motion permitted by this subsection is filed within one hundred eighty (180) days of the termination of any executive order issued by



the Governor declaring an emergency related to the coronavirus 2019 (COVID-19) pandemic, including without limitation any future executive order declaring an emergency related to the coronavirus 2019 (COVID-19) pandemic.

(c) This section shall apply to an action for eviction for nonpayment of rent under:

- (1) This subchapter;
- (2) § 18-16-101; or
- (3) § 18-60-304.

(d) A defendant shall not be able to have the court seal a court record under subsection (b) of this section more than three (3) times.

(e) The sealing of a court record relating to an eviction under this section does not inhibit a landlord from enforcing a judgment entered against the defendant due to the eviction either in the jurisdiction in which the court record is sealed or any other jurisdiction.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Centers for Disease Control and Prevention has determined that a public health emergency exists as a result of the coronavirus 2019 (COVID-19) pandemic; that studies show that the availability of adequate housing has a direct impact on a person's health; that the coronavirus 2019 (COVID-19) pandemic has negatively impacted state and federal economies; and that if eviction records for tenants who were adversely impacted by the coronavirus 2019 (COVID-19) pandemic are publically searchable, landlords are likely to refuse to rent to tenants who were evicted during the coronavirus 2019 (COVID-19) pandemic, and this will exacerbate the health and economic issues in this state resulting from the coronavirus 2019 (COVID-19) pandemic. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/C. Tucker