

REFERENCE TITLE: state emergency; eviction reporting; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2358

Introduced by
Representatives Ortiz: Contreras P, De Los Santos

AN ACT

AMENDING TITLE 12, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 12-1184; RELATING TO FORCIBLE ENTRY AND DETAINER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 8, article 4, Arizona Revised
3 Statutes, is amended by adding section 12-1184, to read:

4 12-1184. Sealing records during a state of emergency;
5 exceptions; rental application notice

6 A. THE CLERK OF THE COURT SHALL IMMEDIATELY SEAL ANY FILING,
7 PLEADING OR JUDGMENT IN A FORCIBLE ENTRY AND DETAINER PROCEEDING THAT IS
8 BASED ON NONPAYMENT OF RENT OR A JUDGMENT RENDERED IN A FORCIBLE ENTRY AND
9 DETAINER PROCEEDING IN FAVOR OF THE LESSOR OR OWNER FOR REASONS OTHER THAN
10 A VIOLATION BY THE LESSEE OR OCCUPANT THAT OCCURRED DURING THE COVID-19
11 PANDEMIC AND DECLARED STATE OF EMERGENCY BETWEEN THE DATES OF MARCH 11,
12 2020 AND JUNE 30, 2023. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
13 THESE FILINGS, PLEADINGS AND JUDGMENTS SHALL REMAIN SEALED.

14 B. THE CLERK OF THE COURT SHALL SEAL ALL RECORDS AT THE TIME OF
15 FILING TO PREVENT ACCESS FROM PUBLIC VIEW. THIS SECTION DOES NOT PREVENT
16 ACCESS TO THE RECORDS OF A FORCIBLE ENTRY AND DETAINER PROCEEDING BY THE
17 LESSOR OR OWNER, THE LESSEE OR OCCUPANT, THE ATTORNEY OR DESIGNATED
18 REPRESENTATIVE OF THE LESSOR, OWNER, LESSEE OR OCCUPANT OR A RESEARCH
19 ENTITY FOR DATA AGGREGATION AND RESEARCH PURPOSES.

20 C. THE CLERK OF THE COURT AND THE PARTIES MAY NOT DISSEMINATE THE
21 RECORDS PURSUANT TO THIS SECTION TO THIRD PARTIES IF ANY OF THE FOLLOWING
22 OCCURS:

23 1. THE PROCEEDINGS ARE DISMISSED BEFORE A HEARING ON THE FORCIBLE
24 ENTRY AND DETAINER.

25 2. THE COURT RENDERS JUDGMENT IN A FORCIBLE ENTRY AND DETAINER
26 PROCEEDING IN FAVOR OF THE LESSOR OR OWNER.

27 3. THE COURT ENTERS A CONSENT JUDGMENT BETWEEN THE PARTIES.

28 D. AN APPLICATION THAT IS USED TO SCREEN APPLICANTS FOR HOUSING OR
29 CREDIT AND THAT SEEKS INFORMATION CONCERNING A PREVIOUS FORCIBLE ENTRY AND
30 DETAINER ACTION OR LESSOR ACTION OF THE APPLICANT SHALL INCLUDE THE
31 FOLLOWING STATEMENT:

32 AN APPLICANT FOR HOUSING OR CREDIT WITH A SEALED
33 RECORD PURSUANT TO SECTION 12-1184, ARIZONA REVISED
34 STATUTES, ON FILE WITH THE COURT IN A FORCIBLE ENTRY AND
35 DETAINER ACTION OR LESSOR ACTION MAY ANSWER "NO RECORD" TO
36 AN INQUIRY RELATIVE TO THAT SEALED COURT RECORD.