



House Committee on Housing  
Honorable Luke Evslin, Chair  
Honorable Tyson Miyake, Vice Chair

**RE: Testimony in Opposition to H.B. 463, Relating to Eviction Records**  
Hearing: January 31, 2025 at 9:15 a.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency.

Thank you for the opportunity to submit testimony in **opposition** to H.B. 463. We specifically oppose the provisions of this bill that categorically seal and make unavailable public court records.

As written, H.B. 463 raises constitutional concerns under the First Amendment right of public access to judicial records. *E.g., Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 607-10 (1982) (striking down state statute that barred public access to court testimony by minor victims of sex crimes because it failed to consider individualized circumstances on a case-by-case basis); *Civil Beat Law Ctr. for the Pub. Int., Inc. v. Maile*, 113 F.4th 1168, 1172 (9th Cir. 2024) (holding unconstitutional state court rule that required categorical sealing of all medical and health records filed in court without a case-by-case analysis).

We respectfully suggest a more direct approach, targeted at the relevant discrimination statutes. Focusing the measure on an individual's *status* – instead of the individual's "sealed eviction records" – would broaden the scope of protection and better effectuate the intended public benefit. The Committee could prohibit, for example, discriminatory housing practices that are based on an individual's status as a defendant in an eviction action that did not result in a judgment or writ of possession against the individual. Hiding court records is not the solution.

Thank you again for the opportunity to testify in opposition to H.B. 463.

