



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 343
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Craig and Kunze

Yosef Schiff, Attorney

SUMMARY

- Allows a court to order the expungement of an eviction case upon the motion of a tenant, manufactured home park resident, or landlord, or on the court's own motion, if the court makes specified findings.
- Creates a rebuttable presumption in favor of expungement if the expungement motion is made three or more years after the eviction judgment.
- Requires expungement if the expungement motion is made seven or more years after the eviction judgment, unless the landlord presents information as to why the case should not be expunged.

DETAILED ANALYSIS

The bill allows a court to order expungement (the removal of evidence of a court file's existence from the publicly accessible records) of an eviction case (a forcible entry and detainer action) upon the motion of a tenant, manufactured home park resident, or landlord, or on the court's own motion. Prior to ordering the expungement, the court must provide the landlord who initiated the case the opportunity to provide information relating to why the file should not be expunged. The court must consider this information when deciding whether to expunge the file.

If the motion to expunge is made three or more years after the date of the eviction judgment, the bill creates a rebuttable presumption in favor of granting the expungement. If the motion is made seven or more years after the date of the eviction judgment, the bill requires the court to order expungement unless the landlord provided information relating to why the court file should not be expunged. If the landlord provides information, the rebuttable presumption for expungement would still exist.

If the motion to expunge is made less than seven years after the eviction judgment, or it is made seven or more years after that date and the landlord provided information relating to

why the court file should not be expunged, the bill requires the court to order expungement only upon finding both of the following:

- The file is no longer a reasonable predictor of future tenant behavior.
- The expungement is clearly in the interests of justices, and those interests are not outweighed by the public’s interest in knowing about the record.¹

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 07-23-20 |

S0343-I-133

¹ R.C. 1923.01 and 1923.111.