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OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 158
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Craig and Kunze

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SUMMARY

- Permits a court to order expungement of the court file of an eviction case upon a motion filed by a tenant, manufactured home park resident, or landlord, or upon the court's own motion.

DETAILED ANALYSIS

Expungement of eviction case files

The bill permits a court to order expungement of the court file of an eviction case (a forcible entry and detainer action) upon a motion filed by a tenant, manufactured home park resident, or landlord, or upon the court's own motion. Prior to ordering the expungement, the court must provide the landlord who had initiated the eviction case the opportunity to provide information relating to why the court file should not be expunged. The court must consider this information when determining whether or not to expunge the court file.¹

As used in the bill, "expungement" means to destroy, delete, and erase a record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.²

If the motion is made three or more years after the date of the eviction judgment, there is 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 court must order expungement of

¹ R.C. 1923.111(A), (B), and (C).

² R.C. 1923.01(C)(15).

the court file unless the landlord provided information relating to why the court file should not be expunged.³

If the motion is made less than seven years after the date of the eviction judgment, or if the motion 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 court must order expungement of the court file only if the court makes both of the following findings:⁴

1. The eviction case court file is no longer a reasonable predictor of future tenant behavior.
2. The expungement is clearly in the interests of justice, and those interests are not outweighed by the public's interest in knowing about the record.

HISTORY

Action	Date
Introduced	04-13-21

S0158-I-134/ts

³ R.C. 1923.111(D).

⁴ R.C. 1923.111(E).