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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 158
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 158's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Sens. Craig and Kunze

Local Impact Statement Procedure Required: Yes

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Highlights

- Local civil justice systems generally will likely see a significant increase in workload and resultant expenses to process motions to expunge eviction case files, and subsequently expunge an indeterminate number of such files. The degree to which the fee charged to file such a motion will offset expungement costs cannot be determined.
- The bill has no direct fiscal effect on the state.

Detailed Analysis

The bill permits a court to order the expungement of the court file of an eviction upon the motion of a tenant, resident, landlord, or the court itself. Before ordering such an expungement, the court is required to provide the landlord in the case an opportunity to provide information as to why the file should not be expunged and is required to consider that information when making its determination. The courts and clerks of courts can likely expect to process a large number of expungement filings and then potentially expunge a large percentage of related case files.

From 2015 through 2020, a total of 606,881 eviction cases were filed¹ in municipal and county courts – an average of over 100,000 annually, or about 30% of all civil cases. Any eviction case could be eligible under the bill with no constraint as to the filing date or final disposition – meaning that a reasonable estimate of the number of immediately eligible cases is likely well

¹ Supreme Court data for eviction, or forcible entry and detainer, cases include those cases that were filed, transferred, reopened, redesignated, or reactivated. Eviction cases heard in the courts of common pleas are not reported separately from other case types.

over one million. While not all of those cases will result in a motion for expungement, municipal and county courts are likely to see a significant increase in motions to expunge from past cases following the enactment of the bill and an ongoing general increase as more eviction cases are filed and therefore potentially eligible for expungement. The increased workload and resultant increase in expenses for county and municipal civil justice systems to hear motions for expungements, and to expunge related files is not readily quantifiable, but is likely to be significant and to vary among the state's courts.

Increased expenses may be offset by the collection of fees, which is neither required nor prohibited by the bill. Under current law and practice, courts generally charge a fee for sealing or expungement of records, and generally for the filing of a motion in a civil court proceeding. With the exception of those fees set by statute, fees vary from court to court. LBO is aware of three local courts that specify the circumstances under which a motion may be filed (including the applicable fee) to "seal" the court file of an eviction case: the Toledo Housing Court (\$3 fee), the Cleveland Housing Court (\$25 fee), and the Marion County Municipal Court (\$100 fee).