

Eviction Expungement

FACT SHEET

Senator Brinks' legislation was modeled after legislation found in Illinois and Minnesota. Under this bill, eviction expungement is possible when an eviction lawsuit ("summary proceedings") was filed and all of the following apply:

DISCRETIONARY:

All have to be met:

- Judgment for possession was entered in the summary proceedings
- Judgment was entered at least 5 years ago
- It's in the interest of justice to seal the records, which is not outweighed by the public's interest in knowing about the records

OR

If a judgment was not entered. It's pretty common for the parties to work out a compromise and resolve the dispute before trial, so this language should cover those cases.

MANDATORY:

The property was sold under foreclosure of a mortgage or land contract and the tenant:

- Left before the summary proceedings were filed
- Didn't receive the written demand for possession 90 days or more before summary proceedings were filed

OR

The plaintiff received money to pay the judgment entered in the summary proceedings, or an amount alleged in the complaint to be owed to the plaintiff, that was money from this state that was funded by the federal government for emergency rental assistance, with the exception of any funds received from the tenant-based Section 8 program, the project-based Section 8 program, the tenant-based housing choice voucher program, or the project-based housing choice voucher program.

OR

The summary proceedings were filed during the state of emergency declared under Executive Order 2020-4 or any extension of that order, including an order issued under 2253 of the Public Health Code.

In addition to Illinois and Minnesota, others who are working on — or have passed into law — legislation on expunging and sealing eviction records include California, Connecticut, Florida, Indiana, Massachusetts, Ohio, Oregon, and Washington, D.C.

State Senator Winnie Brinks

 | [SenatorBrinks.com](https://www.SenatorBrinks.com) | Toll-free: (855) 347-8029